



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

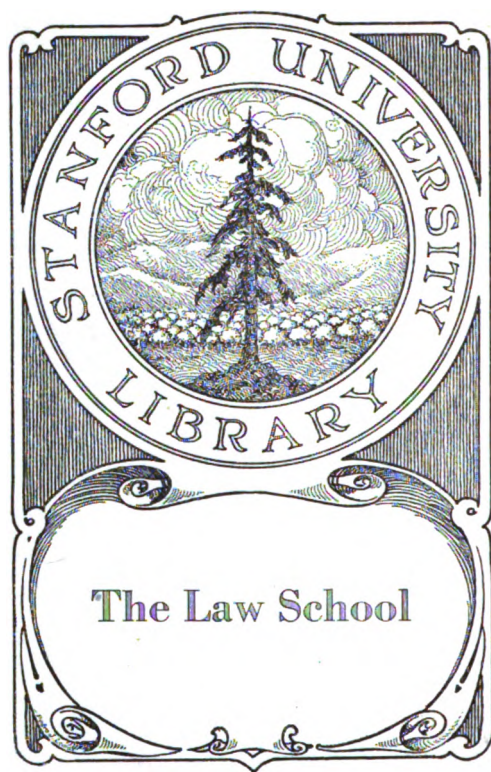
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



Georgia. Pittman

ACTS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA.

1886-7.

VOLUME II.

COMPILED AND PUBLISHED BY AUTHORITY.

ATLANTA, GEORGIA:
GEO. W. HARRISON, STATE PRINTER.
1887.

L 3947

JUN 25 1931

GEO. W. HARRISON, STATE PRINTER, ATLANTA, GEORGIA.

Y8A98L1 09071472

TABLE OF TITLES.

PART I.—PUBLIC LAWS.

TITLE.....	I.—APPROPRIATIONS.
"	II.—TAXES.
"	III.—CONSTITUTION.
"	IV.—CODE AMENDMENTS.
"	V.—SUPERIOR COURTS.
"	VI.—COUNTY OFFICERS.
"	VII.—JUDICIARY.
"	VIII.—EDUCATION—PUBLIC.
"	IX.—MISCELLANEOUS.

PART II.—CORPORATIONS.

TITLE.....	I.—RAILROAD COMPANIES.
"	II.—BANKING, LOAN, AND TRUST COMPANIES.
"	III.—INSURANCE COMPANIES.
"	IV.—EXPRESS, TELEGRPH AND MANUFACTURING COMPANIES.
"	V.—STEAMBOAT, CANAL AND NAVIGATION COMPANIES.

PART III.—LOCAL LAWS.

TITLE.....	I.—MUNICIPAL CORPORATIONS.
"	II.—COUNTY OFFICERS.
"	III.—COUNTY AND CITY COURTS.
"	IV.—GAME, &c.
"	V.—REGISTRATION.
"	VI.—ROADS AND BRIDGES.
"	VII.—FENCES AND STOCK.
"	VIII.—EDUCATION.
"	IX.—LIQUORS.
"	X.—MISCELLANEOUS.

PART IV.—PRIVATE LAWS.

PART V.—RESOLUTIONS.

Part I.—Public Laws.

TITLE . . . I.—APPROPRIATIONS.

“ **II.—TAXES.**

“ **III.—CONSTITUTION.**

“ **IV.—CODE AMENDMENTS.**

“ **V.—SUPERIOR COURTS.**

“ **VI.—COUNTY OFFICERS.**

“ **VII.—JUDICIARY.**

“ **VIII.—EDUCATION—PUBLIC.**

“ **IX.—MISCELLANEOUS.**

STATUTES OF GEORGIA
PASSED BY THE
GENERAL ASSEMBLY
OF 1887.

Part I.—Public Laws.

TITLE I.

APPROPRIATIONS.

ACTS.

Appropriation for Deaf and Dumb Asylum.
Refunding Tax to A. C. Daniel.
To pay Executive Warrant for J. H. Worrill.
For Branch College building at Dahlonega.
For Repair of buildings of University of Georgia.
For Branch College building at Thomasville.
For Old Capitol building at Milledgeville.
To Moses Tomlinson for artificial arm.
To Charles S. McCall for artificial leg.
To M. D. Weeks for artificial arm.
To M. M. Caswell for artificial arm.
To Emmett Barnes for reporting testimony.
To pay Bond No. 349, issued under Act of January 12th, 1862.
Deficiency Appropriation Act.

APPROPRIATION FOR DEAF AND DUMB ASYLUM.

No. 172.

An Act to appropriate the sum of nine thousand dollars for the purpose of completing, repairing and furnishing the buildings of the Georgia Institution for the Education of the Deaf and Dumb.

WHEREAS, The trustees and officers of the Georgia Institution Preamble
for the Education of the Deaf and Dumb in their 24th report submitted to His Excellency Henry D. McDaniel, Governor of the

 Appropriation for Deaf and Dumb Asylum.

State of Georgia, under date of October 1st, 1886, call special attention to the unfinished condition of the new school building of said Institution, and ask for an appropriation of six thousand dollars to complete said new school building, with basement included, and to furnish same with apparatus, slates, desks, chairs, etc.; and

WHEREAS, said trustees and officers aforesaid, further call attention in their said report, to the worn out condition of the roof on the old building of the Institution aforesaid, and recommend the replacement thereof with a Mansard roof, so constructed that the space gained can be utilized for much needed dormitories—and for this purpose and for a general remodeling of the interior as well as for new floors in some of the rooms and in the shop—ask for an appropriation of the sum of six thousand dollars for said purposes; and

WHEREAS, His Excellency Henry D. McDaniel, Governor of the State of Georgia, in his message of Nov. 3rd, 1886, to the Senate and House of Representatives, fully concurs in said report of said trustees and officers aforesaid, and recommends said appropriations asked for by said trustees and officers in their said report; therefore,

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,*

That the sum of nine thousand dollars be, and the same is hereby appropriated to the Georgia Institution for the Education of the Deaf and Dumb, for the purposes and uses hereinbefore set forth and specified; said sum of nine thousand dollars to be subject to the drafts of said board of trustees aforesaid, in sums not to exceed forty-five hundred dollars, for and during the year 1887, and forty-five hundred dollars for and during the year 1888, out of any moneys in the treasury not otherwise appropriated: *Provided*, that said sum shall be expended under the supervision of the Governor, and that only so much thereof as is absolutely necessary shall be used for the purposes aforesaid.

SEC. II. *Be it further enacted*, That no part of the foregoing appropriation shall be subject to the draft of the board of trustees until they shall have procured and accepted plans and specifications for the whole of the work contemplated to be done under this Act on the old or dormitory building, and shall have obtained and accepted proposals from responsible contractors under bond for the completion of all the work contemplated for both buildings, showing that the whole work will be completed within the amount herein appropriated. These facts being made to appear by affidavit of a majority of the board of trustees, and the same being filed in the Executive office, drafts may then be drawn as herein provided. The trustees shall, each month after the work

Amount appropriated.

Purposes of appropriation.

How and when to be paid.

Proviso.

Preliminaries to making appropriation available.

Refunding Tax to A. C. Daniel.

is begun, file in the Executive office an itemized statement of all expenditures for the month previous.

SEC. III. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 13, 1887.

REFUNDING TAX TO A. C. DANIEL.

No. 239.

An Act to refund to A. C. Daniel thirty-nine dollars and eighty-nine cents raised on a tax *fi. fa.* in excess of tax due.

WHEREAS, under and by virtue of a tax *fi. fa.* issued by W. L. Goldsmith, Comptroller-General of the State of Georgia (for State and county taxes for 1875 and 1876), lot of land No. 188 of the 11th district and 5th section of Carroll county, which was the property of A. C. Daniel, was levied upon and sold on the first day of January, 1878, to J. F. Pope & Bros., for the sum of fifty-two dollars; and

WHEREAS, the sum of \$39.89 was paid over by James M. Hewitt, sheriff of said county of Carroll, to W. L. Goldsmith, Comptroller-General; and

WHEREAS, said \$39.89, the balance of said \$52.00, after paying cost, was by said Goldsmith paid into the State Treasury, and has never been paid over to A. C. Daniel; therefore

SECTION I. *Be it enacted by the General Assembly of Georgia*, That the Governor of the State be, and he is hereby authorized to draw his warrant on the Treasurer of the State for the sum of thirty-nine dollars and eighty-nine cents in favor of said A. C. Daniel.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29, 1887.

To Pay Executive Warrant for J. H. Worrill.—For Branch College Building at Dahlonega.

TO PAY EXECUTIVE WARRANT FOR J. H. WORRILL.

No. 274.

An Act to appropriate the sum of twenty-seven dollars and eighteen cents for the payment of executive warrant No. 57, issued by the Governor in favor of Jas. H. Worrill for his salary as Solicitor-General of the Chattahoochee circuit, and for other purposes.

When and
for what
issued. WHEREAS, His Excellency Jno. B. Gordon, did, on the 1st of January, 1887, issue executive warrant No. 57, in favor of Jas. H. Worrill, for his salary as Solicitor-General of the Chattahoochee circuit, for the sum of twenty-seven dollars and eighteen cents, which warrant has never been presented and paid; and

Cannot be
paid under
general
law. WHEREAS, by the law, said warrant having not been presented for payment within the six months specified by law for the drawing of appropriations, cannot now be paid by the treasurer; therefore,

Appropriation. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That the sum of twenty-seven dollars and eighteen cents be, and the same is hereby appropriated to the payment of the executive warrant No. 57, described in the preamble.

Approved October 3rd, 1887.

FOR BRANCH COLLEGE BUILDING AT DAHLONEGA.

No. 306.

An Act to appropriate five thousand dollars to the University of Georgia to complete the branch college building at Dahlonega, and to supply the same with proper school furniture, and to enclose the grounds.

Preamble.
Reasons
for appropriation. WHEREAS, The North Georgia Agricultural College, at Dahlonega, a branch of the University of Georgia, was destroyed by fire, and its restoration nearly completed by appropriations heretofore made by the General Assembly, and its entire completion has been recommended by a board of visitors appointed by the Governor; therefore,

Amount appropriated. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the sum of five thousand dollars be, and the same is hereby appropriated to the University of Georgia and to

For Repair of Buildings of University of Georgia.

be expended under the direction of the chancellor of the university and the president of the faculty of the North Georgia Agricultural College, who shall see that the same is economically and judiciously expended in the completion of the building heretofore erected by the State, and in supplying the institution with proper school furniture, and to enclose with a substantial fence so much of the grounds as may be deemed necessary. How to be expended,

SEC. II. *Be it further enacted*, That the Governor be authorized to draw his warrant on the treasury for said appropriation in favor of the treasurer of the University of Georgia to be paid out by him on vouchers countersigned by the president of the faculty of the North Georgia Agricultural College: *Provided*, How paid from State Treasury. Proviso. that nothing in this Act shall authorize the Governor to draw his warrant for any of the moneys herein appropriated until furnished with an itemized estimate from the board of trustees of the North Georgia Agricultural College, showing that the money herein appropriated will be sufficient to complete the building, furnish the same and enclose the ground; all of said work to be done in a first-class, workmanlike style and in a substantial, durable manner.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 13th, 1887.

FOR REPAIR OF BUILDINGS OF UNIVERSITY OF GEORGIA.

No. 308.

An Act to appropriate the sum of Five Thousand Dollars, or as much thereof as may be necessary, for the purpose of repairing the buildings of the University of the State of Georgia.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated for the purpose of repairing the dormitory buildings belonging to the University of Georgia, and located at Athens, Clarke county, and the Governor is hereby authorized to draw his warrants on the Treasurer of the State for said sum, whenever he is furnished by the Secretary of the Board of Trustees with an itemized account of the sum expended, or estimate and statement showing that said Amount appropriated. Purpose of When to be paid.

PART I.—TITLE I.—APPROPRIATIONS.

For Branch College Building at Thomasville.

buildings can be put in safe and comfortable condition by the expenditure of the amount herein appropriated.

SEC. II. That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Approved October 13, 1887.

FOR BRANCH COLLEGE BUILDING AT THOMASVILLE.

No. 309.

An Act to appropriate the sum of three thousand five hundred (\$3,500) dollars to the University of Georgia for the purpose of enabling the trustees thereof to complete and furnish the buildings of the branch of said University at Thomasville.

Amount
appropri-
ated.

Purpose of

Proviso.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That the sum of three thousand and five hundred (\$3,500) dollars be and the same is hereby appropriated for the University of Georgia for the purpose of enabling the trustees thereof to complete and furnish the buildings of the branch of said University at Thomasville, and the Governor of the State is hereby authorized to draw his warrant on the Treasurer of the State for said sum: *Provided,* that nothing in this Act shall authorize the Governor to draw his warrant for any of the moneys herein appropriated until furnished with an itemized estimate from the Board of Trustees of the branch college located at Thomasville for repairs, showing that the money herein appropriated will be sufficient to complete the building, furnish the same and enclose the ground; all of said work to be done in a first-class workman-like style and in a substantial and durable manner.

SEC. II. *Be it further enacted by authority of the same,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved October 13, 1887.

For Old Capitol Building at Milledgeville.—To Moses Tomlinson for Artificial Arm.

FOR OLD CAPITOL BUILDING AT MILLEDGEVILLE.

No. 312.

An Act to appropriate the sum of Thirty Five Hundred Dollars for the repairs of the "Old Capitol Building," now used by the Middle Georgia Military and Agricultural College, in Milledgeville, Ga.

SECTION I. *Be it enacted by the General Assembly of Georgia,* ^{Amount appropriated.} *and it is hereby enacted by the authority of the same,* That the sum of Three Thousand Five Hundred Dollars, or so much as may be necessary, be, and the same is hereby appropriated for the purpose of repairing the damage done to the "Old Capitol" ^{Purpose of} building, now used by the Middle Georgia Military and Agricultural College, during the shock of earthquake recently, and that the Governor of Georgia is hereby authorized to draw his warrant for that amount upon the Treasurer of the State after the work shall have been examined and received by the Board ^{How to be paid.} of Trustees and President of the College, when they shall have been properly audited and a copy of voucher sent to the Governor, which he shall attach to said warrant.

SEC. II. The appropriation made in this Act shall be applied exclusively to repairs on the Old Capitol building used as a college building by the Middle Georgia Agricultural and Military College : *Provided,* That nothing in this Act shall authorize the ^{Provide.} Governor to draw his warrant for any of the moneys herein appropriated, until furnished with an itemized estimate from the Board of Trustees of the Middle Georgia Military and Agricultural College, showing that the money herein appropriated shall be sufficient to complete the building, furnish the same and enclose the ground ; all of said work to be done in a first-class, workman-like style, and in a substantial and suitable manner.

Approved October 13th, 1887.

TO MOSES TOMLINSON FOR ARTIFICIAL ARM.

No. 391.

An Act to make an appropriation to pay Moses Tomlinson, of Clinch county, in this State, for an artificial arm, under an Act approved December 4th, 1866, and for other purposes.

WHEREAS, Moses Tolimson, a confederate soldier, of Clinch ^{Preamble.} county, in this State, was entitled to pay for an artificial arm,

 To C. S. McCall for Artificial Leg.

under the Act of December 4th, 1866, but failed to receive any benefit from said Act; therefore,

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same,* That the sum of Seventy Five Dollars be, and the same is hereby appropriated to pay said Moses Tomlinson for an artificial arm as provided by said Act of December 4th, 1866 : *Provided,* That he must furnish the Governor with satisfactory evidence that he is properly entitled to the benefit of said Act of December 4th, 1866.

Amount
and pur-
pose of ap-
propriation

Proviso.

SEC. II. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved October 22nd, 1887.

 TO C. S. MCCALL FOR ARTIFICIAL LEG.

No. 393.

An Act to make an appropriation to pay C. S. McCall, of Wilcox county, Georgia, for an artificial leg, under an Act approved December, 4th, 1866.

WHEREAS, C. S. McCall, a Confederate soldier of Wilcox county, Georgia, was entitled to pay for an artificial leg, under Act of December 4th, 1866, but failed to receive any benefit under said Act; therefore,

Preamble.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That the sum of Seventy-Five Dollars be, and the same is hereby appropriated to pay said C. S. McCall for an artificial leg, as provided by Act of 1866 : *Provided,* That said Chas. S. McCall shall furnish to the Governor satisfactory proof that he is entitled to relief under said act.

Amount
and pur-
pose of ap-
propriation

SEC. II. *Be it further enacted,* That all laws and parts of laws in conflict with this law be and the same are hereby repealed.

Approved October 22nd, 1887.

To M. D. Weeks for Artificial Arm.—To M. M. Caswell for Artificial Arm.

TO M. D. WEEKS FOR ARTIFICIAL ARM,

No. 396.

An Act to make an appropriation to pay M. D. Weeks, of the County of Mitchell, and State of Georgia, for an artificial arm, under an act approved December 4th, 1866.

WHEREAS, M. D. Weeks, a Confederate soldier, was entitled Preamble to pay for an artificial arm under the act approved December 4th, 1866, but failed to receive any benefit under said Act; therefore,

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That upon his furnishing satisfactory evidence to His Excellency the Governor, that he is properly entitled to the benefit of said Act, the sum of sixty (\$60) dollars be and the same is hereby appropriated to pay said M. D. Weeks for an artificial arm as provided by the Act approved December 4th, 1866. Amount and purpose of appropriation

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

TO M. M. CASWELL FOR ARTIFICIAL ARM.

No. 397.

An Act to make an appropriation to pay Madison M. Caswell, of Clinch County, in this State, for an artificial arm, under an Act approved December 4th, 1866, and for other purposes.

WHEREAS, Madison M. Caswell, a Confederate soldier, of Preamble Clinch County, in this State, was entitled to pay for an artificial arm, under the Act of December 4th, 1866, but failed to receive any benefit from said Act; therefore,

SECTION I. *Be it enacted by the General Assembly of Georgia*, *and it is hereby enacted by the authority of the same*, That the sum of seventy-five dollars be, and the same is hereby appropriated to pay said Madison M. Caswell for an artificial arm, as provided by said Act of December 4th, 1866, upon furnishing the proof required by said Act to entitle him to the payment of the sum appropriated as aforesaid. Amount and purpose of appropriation

SEC. II. *Be it further enacted by the authority aforesaid*, That

To Emmett Barnes for Reporting Testimony.—To pay Bond No. 349 Issued under Act Jan. 12, 1852

all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved October 22d, 1887.

TO EMMETT BARNES FOR REPORTING TESTIMONY.

No. 419.

An Act to appropriate the sum of two hundred dollars to pay Emmett Barnes for services in reporting testimony.

Amount
appropri-
ated.

Purpose of.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same,* That the sum of two hundred dollars is hereby appropriated to pay Emmett Barnes for services in reporting testimony for sub-penitentiary committee, and the Governor is authorized and directed to draw his warrant on the Treasurer, payable to said Emmett Barnes, for said sum.

SEC. II. *Be it further enacted, etc.,* That all laws in conflict with this Act are hereby repealed.

Approved October 22, 1887.

TO PAY BOND NO. 349, ISSUED UNDER ACT OF JANUARY 12, 1852.

No. 468.

An Act to provide for the payment of bond No. 349 of the State of Georgia, issued under the Act of the Legislature, approved 12th January, 1852, and of the coupons due thereon.

Amount
appropri-
ated.

Bond and
coupons to
be paid.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the sum of five hundred and seventy-five (\$575.00) dollars is hereby appropriated from any funds in the State treasury, not otherwise appropriated, for the payment of bond No. 349, of the State of Georgia, of the denomination of \$500, and the last five coupons or interest warrants thereon, numbered from 36 to 40 inclusive, said bond and coupons being issued by the authority of the Act of the General Assembly, approved 12th January, 1852, and the same being the property of the estate of Samuel Fairbanks, deceased, and the Governor is hereby authorized and directed to draw his warrant in favor of the legal representatives of said estate for said sum of \$575 in

Deficiency Appropriation Act.

payment of said bond and coupons upon presentation of the same.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 24, 1887.

DEFICIENCY APPROPRIATION ACT.

No. 520.

An Act to make additional appropriations for the years 1887 and 1888 to supply deficiencies in the several appropriations for the expenses of the government, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of this State, and it is hereby enacted by the authority of the same*, That the following sums of money be, and they are hereby appropriated to the objects and for the purpose herein stated, viz.:

PARAGRAPH I. To pay the incidental and contingent expenses of the present session of the General Assembly, which began July 6th, 1887, the sum of one hundred and twenty-five dollars (\$125.00) for the use of the Senate, and one hundred and sixty-five dollars (\$165.00) for the use of the House of Representatives, or so much thereof as may be necessary, to be paid out on itemized accounts to be presented to the Governor by the Secretary of the Senate and the Clerk of the House of Representatives. Expenses General Assembly 1887.

PAR. II. To pay the expenses incurred in preparing and delivering the bonds of the State authorized by an Act, approved December 23d, 1884, the sum of three thousand four hundred and seventy-seven dollars and seventy-five cents. Expenses of bond issue under Act o. 1884.

PAR. III. To pay for the publication of the tariff classification and rates of the Railroad Commission in the cities designated by law, the sum of fourteen hundred and fifteen dollars and twenty cents, (\$1,415.20) the amount which said Railroad Commission now owes said newspapers, after having entirely exhausted the funds in its hands available for payment of said publications. Publications by Railroad Commission

PAR. IV. To pay the chaplains of the Senate and the House of Representatives for the adjourned session of the Legislature, one hundred and fifty dollars (\$150.00) each. Chaplains of General Assembly.

PAR. V. To pay for stationery for the General Assembly for the present adjourned session, the sum of five hundred and sixty dollars (\$560.00) in addition to the amount appropriated in the Stationery for General Assembly.

Deficiency Appropriation Act.

year 1886, or so much thereof as may be necessary, to be paid out on itemized accounts, to be presented to the Governor by the Secretary of State.

Contingent expenses Supreme Court. PAR. VI. To pay the contingent expenses of the Supreme Court the sum of four hundred dollars (\$400.00) in addition to the amount appropriated in the year 1886, or so much thereof as may be necessary, to be paid out on itemized accounts to be presented to the Governor by the clerk of said court.

Expenses of sending statement of business to members of General Assembly. PAR. VII. To pay M. A. Hardin, Clerk of the House, and H. H. Cabaniss, Assistant Secretary of the Senate, the sum of one hundred dollars each for preparing and mailing to each member of the General Assembly a statement of all the business pending before the General Assembly at the time of adjournment, as per resolution of General Assembly.

Repairs of capitol. PAR. VIII. To pay to the keeper of public buildings of the State the sum of one (\$100.00) hundred dollars, or so much thereof as may be necessary to repair the roof and smoke-stack of the Capitol Building, to be paid out on an itemized account to be approved by the Governor.

J. T. Taylor for indexing Journals. PAR. IX. To Jackson T. Taylor the sum of one hundred and fifty dollars, to compensate him for making indexes for the Journals of the House and Senate for the present adjourned term of the General Assembly, and the Governor is hereby authorized to draw his warrant for the said sum in favor of the said Jackson T. Taylor whenever satisfactory proof is presented to him showing that the work herein referred to has been done; and seventy-five dollars to pay L. B. Clifton, stenographer, who was employed by the sub-committee of the joint lunatic asylum committee to take evidence.

Salary Sheriff Supreme Court. PAR. X. For salary of the sheriff of the Supreme Court for the last quarter of the year 1887 the sum of two hundred dollars. For the salary of the sheriff of the Supreme Court for the year 1888 the sum of eight hundred dollars, as provided by an Act of the Legislature, approved October 3rd, 1887, fixing said salary.

Executive mansion. SEC. II. *Be it further enacted*, That the sum of twelve hundred and fifty dollars be appropriated for the purpose of repairing, re-furnishing and for work done on Executive Mansion.

Investigation of convict lease. SEC. III. To pay lawyers' fees, stenographer and messenger in the matter of investigating the "Convict Lease" before the Governor the sum of one thousand (\$1,000) dollars, or so much as may be necessary.

SEC. IV. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

TITLE II.

TAXES.

ACTS.

To create a sinking fund to pay bonds.
 Authorizing transferees of tax fl. fas. to collect interest.
 Tax on dealers in domestic wines.
 Amending Section 9 of Tax Act for 1887-8.
 Time within which tax fl. fas. may be enforced.
 Amending Tax Act for 1887-8

TO CREATE A SINKING FUND TO PAY BONDS.

No. 137.

An Act to create a sinking fund to pay off and retire bonds of the State as they mature (in accordance with article 7, section 14, paragraph 1, of the constitution of 1877), by authorizing the levy and collection of a tax therefor, and for other purposes

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That ^{Tax to be levied.} it shall be the duty of the Governor, and he is hereby authorized and empowered, with the assistance of the Comptroller-General, at the time of the assessment and of the levy of the taxes for the years one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, to assess and levy a per centum on the taxable property of the State sufficient to ^{Amount to be raised.} raise one hundred thousand dollars each year, in addition to the amount required to pay the public expenses and interest on the public debt, which shall be a sinking fund to pay off and retire ^{Sinking fund.} (as herein after provided), an equal amount of the valid bonds of the State as they mature, and shall be applied to no other purpose whatever: *Provided,* however, that this tax shall not be estimated by any county authorities in assessing the taxes for county purposes. ^{Proviso.}

SEC. II. *Be it further enacted,* That the tax authorized herein

 To Create a Sinking Fund to Pay Bonds.

Separate from other taxes. shall be specially levied and collected, and separate books and accounts of the same shall be kept by the Treasurer, and the moneys arising therefrom shall be applied only to paying off and retiring the valid bonds of the State as aforesaid.

Bonds to be paid. SEC. III. *Be it further enacted*, That the sum of one hundred thousand dollars so raised in eighteen hundred and eighty-seven, and one hundred thousand dollars in eighteen hundred and eighty-eight, shall be applied to the payment of the same amount of the bonds of the State maturing in January, eighteen hundred and eighty-nine: *Provided*, that the Governor and Treasurer of the State, in case that the bonds of the State cannot be purchased at or below par, may loan the one hundred thousand dollars raised in 1887 until the maturity of the bonds to which it is to be applied at such rate of interest, not less than four and one-half per centum, as they may be able to obtain; and in case said amount is so loaned, the interest accruing on said amount shall be paid with the principal on the series of bonds to which it is above applied: *Provided*, always, that the applicant desiring to negotiate such a loan with the State shall hypothecate and give as collateral security to said Treasurer any sufficient number of valid bonds of the State of Georgia which, in his discretion, shall be ample and full security for the payment of the debt to the State, in the event that the obligation is not paid at maturity, or upon the renewal of the same, as the treasurer may deem best; but that no bond or bonds, taken as collateral security, shall receive, as an advancement thereon, any money, or sums of money, in excess of their par value, and that in the contract of loan it shall be distinctly expressed, either in the note of obligation, or other writing, setting forth the contract, a general or special power to the Governor and Treasurer to sell the same upon default, either at public or private sale, and said Governor and Treasurer shall have the right to purchase the same, and when so purchased, said bond or bonds shall be held as vouchers, and the transaction of the acquirement and purchase of said bond or bonds shall be shown in full upon the books of the said Treasurer.

Security for. Cancellation of retired bonds. SEC. IV. *Be it further enacted*, That all the bonds paid, or purchased, under the provisions of this Act shall be immediately canceled and stamped with the words, "Sinking fund," by the Treasurer and filed in his office.

SEC. V. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved August 25th, 1887.

Authorizing Transferees of Tax Fi. Fas. to Collect Interest.—Tax on Dealers in Domestic Wines.

AUTHORIZING TRANSFEREES OF TAX FI. FAS. TO COLLECT INTEREST.

No. 143.

An Act to authorize all transferees of tax fi. fas. to collect the lawful rate of interest on said fi. fas. from date of transfer, provided the same have been recorded or prescribed by law.

SECTION I. *Be it enacted by the General Assembly*, That all tax fi. fas. transferred to third parties, shall bear interest, at the lawful rate, from date of transfer, provided the same have been recorded as prescribed by law Rate of interest.

SEC. 2. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved September 5th, 1887.

TAX ON DEALERS IN DOMESTIC WINES.

No. 163.

An Act to levy and collect a tax of ten thousand dollars upon dealers in domestic wines, except as provided by this Act, to prescribe penalties for violation of this Act, and for other purposes,

SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, in every county in this State, where either under the general local option Act approved September 18th, 1885, or any other local or general Act, the sale of spirituous and intoxicating liquor have been or may hereafter be prohibited, but with exceptions in relation to any kind of wines, a tax of ten thousand dollars shall be annually levied and collected from each and every dealer in domestic wines or other intoxicants not prohibited as aforesaid for each place of business where it is sold; Localities affected. Provided, that nothing in this Act shall be so construed as to levy a tax on dealers in or producers of wines manufactured from grapes or berries purchased by them or grown on lands owned, leased or rented by said dealers; and *provided* further, that said wines shall not be sold in quantities less than one quart, and shall not be drank on the premises where sold. Tax. Provided.

SEC. II. *Be it further enacted by the authority aforesaid*, That

Amending Section 9 of Tax Act of 1887 and 1888.

Method of collection. said tax shall be collected as now prescribed by law for collecting the liquor tax in this State, and it is made the duty of the tax collector of the county to pay the same over when collected to the county treasurer as other county funds; and upon his certificate of such payment to the ordinary of the county that said sum of ten thousand dollars has been paid, the ordinary shall issue a license to the proper party to sell such wines under the provisions of this Act.

License.

Penalty. SEC. III. *Be it further enacted by the authority aforesaid,* That any person or persons who shall, after the passage of this Act, deal in domestic wines and other intoxicants in violation of this Act and shall fail or refuse to pay the tax imposed in this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as prescribed in section 4310 of the Code of 1882. Nevertheless the tax collector shall proceed to collect the said tax as in other cases of defaulting tax payers.

Burden of Proof. SEC. IV. *Be it further enacted by the authority aforesaid,* That whenever any person or persons shall be prosecuted under the provisions of this Act, and it shall be proven that such person or persons have sold domestic wines or other intoxicants, the burden of proving the right to sell, shall be cast upon the defendant, and in all prosecutions under this Act the defendant shall be a competent witness in his own behalf.

Defendant as witness. SEC. V. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 12th, 1887.

AMENDING SECTION NINE OF TAX ACT FOR 1887 AND 1888.

No. 305.

An Act to amend section nine of General Tax Act for 1887 and 1888.

Proviso as to banks stricken. SECTION I. *Be it enacted by the General Assembly of Georgia,* That section 9 of the General Tax Act for 1887 and 1888 be amended by striking therefrom the words "*Provided, that nothing in this section contained shall be construed to relieve such banks or banking associations from the tax on property owned by them or provided for in section 7 of this Act.*"

SEC II. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved October 10th, 1887.

Time within which Tax Fi Fas. may be enforced.—Amending Tax Act for 1887-8.

TIME WITHIN WHICH TAX FI. FAS. MAY BE ENFORCED

No. 314

An Act to prescribe the time within which tax fi. fas. may be enforced, and for other purposes.

SECTION. 1. *Be it enacted by the General Assembly of Georgia* That from and after the passage of this Act, all State, county, city or other tax *fi. fas.* before or after legal transfer and record, shall be enforced within seven years from the date of their issue, or within seven years from the time of the last entry upon the tax *fi. fa.* by the officer authorized to execute and return the same if said entry is properly entered by said officer upon the execution docket and books in which said entries are now required to be made in cases of entries or executions issued on judgments.

Tax fi. fas.
dormant,
when.

Sec. 2. *Be it further enacted*, That all laws in reference to a period of limitation as to ordinary executions for any purpose, or to the length of time or circumstances under which they lose their lien in whole or in part be and the same are hereby made applicable to tax *fi. fas.*

Laws as to
other ex-
ecutions ex-
tended to
tax fi. fas.

Sec. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved October 13 1887.

AMENDING TAX ACT FOR 1887-8.

No. 541.

An Act to amend an Act entitled "An Act to levy and collect a tax for the support of the State Government and the public institutions, to pay the interest on the public debt, and for educational and other purposes herein mentioned, for each of the fiscal years 1887 and 1888; and to prescribe what persons, professions and property are liable to taxation, to prescribe the method of collecting said taxes, and to provide penalties and forfeitures for non-payment of taxes, and for other purposes, approved December 22th, 1886, by repealing paragraphs 20, 21, and 25, of the 2nd Section, by amending paragraph 22 of the 2nd section so as to require dealers in stoves or ranges to record themselves as such, and to provide penalties for failure to so record, by amending section 7 so that presidents of electric light companies shall not be exempt from making returns of property for taxation, and by amending paragraph one and three of section eight, and for other purposes.

Amending Tax Act for 1887-8.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the following paragraphs of the 2nd section of the above recited Act commonly known as the General Tax Act for 1887 and 1888, viz:

Paragraphs 13, 20, 21 and 25 of sec. 2d repealed. Paragraph 13, which imposes a tax upon all agents holding or keeping for hire or sale pianos or other musical instruments; paragraph 20, which imposes a tax upon iron safe companies and their agents and upon dealers in iron safes; also paragraph 21, which imposes a tax on itinerant dealers in buggies, wagons, carts, carriages or like vehicles; also paragraph 25, which imposes a tax upon every travelling agent of nurserymen selling trees or shrubbery be and the same are hereby repealed.

Paragraph 22 of section 2d amended. **SEC. 2.** *Be it further enacted,* That paragraph 22 of the 2nd section of said Act be amended by striking out all of said paragraph after words "may do business" in said paragraph, and insert instead the following words:

Peddlers of stoves and ranges must register. "Before such peddler shall be authorized to sell stoves or ranges, he shall make record of the fact of his being such a peddler, with the Ordinary of the county in which he proposes to do business, and it shall be the duty of said Ordinary to immediately notify the Comptroller-General, and upon failure to register with the Ordinary, as herein required, he shall be liable to indictment for a misdemeanor and on conviction shall be fined not less than fifty (50) dollars, nor more than one hundred (100) dollars, at the discretion of the Court trying the same, or be imprisoned as prescribed in Section 4310 of the Code.

Penalty.

Section 7 amended. Returns by presidents of electric light companies. **SEC. III.** *Be it further enacted,* That section 7 of said Act be amended by striking from said section the words "electric light" where they occur after the words "railroad, insurance, telegraph, telephone," and before the words "express, sleeping and palace car companies."

1st paragraph of section 8th amended. Tax on express or telegraph business raised. Businesses to be taxed "Electric light" stricken. 81 paragraph amended. Tax on sleeping & palace car business. **SEC. IV.** *Be it further enacted,* That the first paragraph of section 8 be amended by striking in the 4th line of 1st paragraph the words one and one-half ($1\frac{1}{2}$) per cent and inserting in lieu thereof "two and one-half per cent," and by inserting in the fifth line after the words "gross receipts" the words "from all business done in this State originating and ending in this State," and by inserting in paragraph 1 of Section VIII, the word "or" between the words "express, telegraph" wherever they occur, and by striking the words "or electric light," wherever they occur in said paragraph, and that the third paragraph of said section be amended by striking the word "only" in the second line, and by inserting in the third line of said paragraph after the words "per year," the words "for the privilege of doing business in this State."

SEC. V. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

Increase in Number of Supreme Court Justices.

TITLE III.

CONSTITUTION.

ACTS.

Increase in number of Supreme Court Justices.
Relief of disabled Confederate soldiers.

INCREASE IN NUMBER OF SUPREME COURT JUSTICES.

No. 362.

An Act to amend Par. I of Sec. II. of Article VI. of the Constitution of this State, so as to increase the number of Judges of the Supreme Court of this State, from three to five, to consist of a Chief Justice and four Associate Justices.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That the Constitution of this State be amended by adding after the words *Par. 1 of sec. 2 of article 6 amended.* "Chief Justice," in the 2nd line of the 1st Paragraph of Section II. Article VI. thereof, the words, "and four Associate Justices," in lieu of the words, in said line, "and two Associate Justices," so that said Paragraph when amended shall read:

"The Supreme Court shall consist of a Chief Justice and four Associate Justices. A majority of the Court shall constitute a *Number of justices to be five.* quorum.

SEC. II. *Be it further enacted,* That whenever the above proposed amendment to the Constitution shall be agreed to by two-thirds of the members elected to each of the two Houses of the General Assembly, the Governor shall, and he is hereby authorized and instructed to cause said amendment to be published in at least two newspapers in each congressional district in this State for the period of two months next preceding the time of holding the next general election. *Amendment to be submitted to the people.*

SEC. III. *Be it further enacted,* That the above proposed amendment shall be submitted for ratification or rejection to the *Qualifications of voters.*

 Increase in Number of Supreme Court Justices.

electors of this State at the next general election to be held after publication, as provided for in the second section of this Act, in the several election districts of this State, at which election every person shall be entitled to vote who is entitled to vote for members of the General Assembly. All persons voting at said election in favor of adopting the proposed amendment to the Constitution shall have written or printed on their ballots the words, "For ratification of the amendment of Paragraph I of Section II. of Article VI. of the Constitution," and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words "Against ratification of the amendment of Paragraph I. of Section II. of Article VI. of the Constitution."

Ballots.

Proclamation of result.

SEC. IV. *Be it further enacted*, That the Governor be, and he is hereby authorized and directed to provide for the submission of the amendment proposed in the first section of this Act to a vote of the people as required by the Constitution of this State, in Par. I. Sec. I. of Art. XIII. and by this Act, and, if ratified, the Governor shall, when he ascertains such ratification from the Secretary of State, to whom the returns shall be referred in the same manner as in cases of elections for members of the General Assembly, to count and ascertain the result, issue his proclamation for the period of thirty days announcing such result and declaring the amendment ratified.

Election of additional justices.

SEC. V. If the amendment to the Constitution provided by this Act, shall be agreed to by the General Assembly and ratified by the people as provided by the Constitution and by this Act, then it shall be the duty of the General Assembly of this State, convening next after such ratification, to proceed to elect, (after the proclamation of the Governor, as provided in section four of this Act), two additional Associate Justices of the Supreme Court who shall hold said office for six years from the first day of January, 1889, and until their successors are elected and qualified.

SEC. VI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd. 1887.

RELIEF OF DISABLED CONFEDERATE SOLDIERS.

No. 452.

An Act to carry into effect the last clause of Article VII. Section I. Paragraph I. of the Constitution of 1877, and the amendment thereto.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That any person who enlisted in the military service of the Confederate States, or of this State, during the civil war between the States of the United States, who was a citizen of this State on the 26th day of October, 1886, who lost a limb, or limbs, while engaged in said military service, occasioned by reason of such service, or who may have thus received wounds which afterwards caused the loss of a limb, or limbs, or who may have been permanently injured while in said service, and who may be a *bona fide* citizen of this State, at the time of making application for the benefits herein provided for, shall be entitled to receive, once a year, the following compensation, or pay, for the purposes expressed in article 7, section 1, paragraph 1, and the amendment thereto, of the Constitution, of 1877, to-wit: For total loss of sight, one hundred dollars; for loss of one eye, fifteen dollars; for total or partial loss of hearing, whereby the applicant is permanently disabled for the ordinary pursuits of life, fifteen dollars; for loss of leg, above the knee, thirty-five dollars; for a loss of leg, below the knee, twenty-five dollars; for loss of an arm above the elbow, thirty dollars; for loss of an arm below the elbow, twenty dollars; for permanent injury from wounds, whereby a leg or arm is rendered substantially and essentially useless, twenty-five dollars; for permanent injury to any part of the body, not before mentioned, whereby the person injured has been rendered permanently and practically incompetent for the performance of the ordinary manual avocations of life, twenty-five dollars.

Qualifications for benefits.

Amount and character of relief.

SEC. II. *Be it further enacted*, That before any person shall be entitled to the benefits of this Act, he shall make an affidavit before some officer authorized to administer oaths by the laws of this State, stating in what company, regiment and brigade he was serving when the loss or injury occurred, and where and when he received the injury, or contracted the disease, which caused the amputation or loss of his limb or limbs, or produced the permanent disability or injury claimed to exist, and setting forth the facts showing the permanency of his injury, its character and cause, his citizenship and right to participate in the benefits of this Act; he shall also procure an affidavit of a respectable person, showing his citizenship; also an affidavit of one of the commissioned officers of the company or regiment in which he served,

Affidavits necessary for relief.

Relief of Disabled Confederate Soldiers.

showing that he rendered such service and was injured as claimed in his affidavit. If the affidavit of a commissioned officer cannot be obtained, then an affidavit of three respectable citizens of the county in which the applicant resides, shall be procured stating all the facts necessary to show that the applicant is entitled to participate in the benefits of this act. He shall also procure an affidavit of two physicians of good repute, showing that the applicant has been injured to the extent claimed by him. All said affidavits shall be certified to be genuine by the Ordinary of the county in which the applicant resides; said Ordinary shall also certify that the affiants other than the applicant are persons of respectability and good reputation in the communities in which they respectively reside, and that their statements are worthy of full credit and belief, that the officers before whom said affidavits were made are duly authorized by law to administer oaths and that their official signatures thereto are genuine.

Executive
warrant.

SEC. III. *Be it further enacted*, That when the affidavits and certificate required in section 2 of this Act have been filed in the Executive office of this State, thereupon the Governor shall draw his warrant on the Treasurer of the State in favor of the applicant for the sum to which he may be entitled, and a similar warrant shall be drawn each year thereafter upon proof being made as herein required that the applicant has continued to remain a citizen of this State; provided, however, that no person who has heretofore received from the treasury of the State, compensation or pay for the injuries herein enumerated, shall participate in the provisions of this act until the time for which compensation or pay under previous existing laws has expired; provided further, that persons who have heretofore made proof of their injuries as required by previously existing laws, shall be required only to make proof of their continued citizenship.

Additional
warrants.

Provide.

Additional
proof may
be required

SEC. IV. *Be it further enacted*, That the Governor may require such other and further proof before drawing his warrant, as in his judgment may appear necessary to protect the State from fraudulent claims. He shall cause blank forms for making proofs to be printed and furnished to the Ordinaries of this State in such quantities as may be necessary.

Blank
forms to be
furnished.

SEC. V. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

[NOTE BY COMPILER.—As to Acts heretofore passed for the relief of Confederate soldiers, see Acts of 1878-9, p. 41; Acts of 1880-81, p. 50; Acts of 1882-83, p. 44; 1884-85 pps. 32, 35, 127, 138.]

Sale of Lands under Proceedings for Partition.

TITLE IV.

CODE AMENDMENTS.

ACTS.

Sale of lands under proceedings for partition.
 Evidence of attorneys as against clients.
 Repealing Act of Dec. 12, 1884, amending Sec. 1689 (n n) of code of 1882.
 Revision of jury lists in counties with cities of ten thousand or more inhabitants.
 Bond of County Court bailiff.
 Peddling of jugs, flower-pots, etc.
 Oath of Superior Court bailiffs.
 Enforcement of special liens for rent.
 Rights of way for persons engaged in mining.
 Pledge of commercial papers symbolic of property.
 Venue for trial of wrongful sellers of mortgaged property.
 Punishment for wrongful sale of mortgaged property.
 Commutation for good behavior of term of penitentiary convicts.
 Elections for change of County sites.
 Amount of claim bond under levies of attachment.
 Decisions by Supreme Court on Cross-bills of Exceptions.
 Penalty for furnishing liquor on election days extended to Primary Elections.
 Exemption of yoke of oxen under Section 2040 of the Code.
 Right of Action in cases of homicide by railroads.

SALE OF LANDS UNDER PROCEEDINGS FOR PARTITION.

128.

An Act to amend section 4003 of the code of 1882, relating to the sale of lands and tenements by commissioners, where the same are sold under proceedings for partition.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this act, section 4003 of the code of 1882, be amended by striking out after the words "at the" in the fourteenth line of said section the words "court house," and insert in lieu thereof the words "place of public sales;" also by striking out from the last line of said section the words "for at least thirty days," and insert in lieu there-

 Sec. 4003 of
the Code
amended.

 Sale to be
"at place
of public
sales."

Evidence of Attorneys as against Clients.

Time of
advertis-
ment.

Section as
amended.

of the words "once a week for four weeks," so that said section when so amended shall read as follows:

"Whenever application is made for partition of lands and tenements as hereinbefore provided for, and either of the parties in interest shall make it satisfactorily appear to the court that a fair and equitable division of the lands and tenements cannot be made by means of metes and bounds, by reason of improvements made thereon, or by reason of the premises being valuable for mining purposes, or for the erection of mills or other machinery, or that the value of the entire lands and tenements will be depreciated by the partition applied for, then, and in that case, the court shall order a sale of such lands and tenements, and shall appoint three discreet persons to conduct such sale, under such regulations and upon such just and equitable terms, as said court may prescribe, which sale shall take place on the first Tuesday in the month at the place of public sales of the county in which the land is situated, after an advertisement of such sale, in some public gazette of this state, once a week for four weeks.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved August 4th, 1887.

EVIDENCE OF ATTORNEYS AS AGAINST CLIENTS.

No. 129.

An Act to repeal paragraph 5 of section 3854 of the Code of 1882, and to make an amendment in lieu thereof.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same*,

Par. 5 of
Sec 3854 re-
pealed

That from and after the passage of this Act, paragraph 5 of section 3854 of the Code of 1882, which declares that no attorney shall be compellable to give evidence for or against his client, be and the same is hereby repealed, and in lieu thereof the following is substituted: No attorney shall be competent or compellable to testify in any court in this State, for or against his client, to any matter or thing, knowledge of which he may have acquired from his client, by virtue of his relations as attorney, or by reason of the anticipated employment of him as attorney, but shall be both competent and compellable to testify, for or against his client, as to any matter or thing, knowledge of which he may have acquired in any other manner.

New Para-
graph sub-
stituted.
Evidence
of attorney
as against
client.

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed.

Approved August 4th, 1887.

Repealing Act Amending §1689 (nn) Code 1882.—Revision of Jury Lists.

REPEALING ACT OF DECEMBER 12, 1884, AMENDING SECTION
1689 (NN) OF CODE OF 1882.

No. 130.

An Act to repeal an Act entitled an Act to amend section 1689 (nn) of the Code of 1882, by inserting after the words "paid in," in the fifth line of said section, the following, "or if the necessities of the road require more than one-half the amount of the capital stock already actually paid in, then to the extent of three thousand dollars per mile," and for other purposes; approved December 12th. 1884.

WHEREAS, The above recited Act was enacted under a misapprehension of the subject matter of the section of the Code proposed to be amended, which has reference to navigation companies only, and not to railroad companies, therefore,

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the above recited Act be, and the same is hereby repealed. Act of Dec. 12, '84, repealed.

SEC. II. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved August 4th, 1887.

REVISION OF JURY LISTS IN COUNTIES WITH CITIES OF TEN
THOUSAND OR MORE INHABITANTS.

No. 135.

An Act to amend section 3910 (b) of the code, and to provide for the revision of the jury lists, annually, in those counties within whose limits there is an incorporated town of ten thousand or more inhabitants,

SEC. I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That section 3910 (b) of the code of Georgia be, and the same is hereby amended by inserting after the words, "*as provided in this article,*" the words, "*provided,* that in those counties with- in whose limits there is an incorporated town of ten thousand or more inhabitants, the revision of the jury lists shall be annually made by said jury commissioners," so that such section as amended will be read as follows:

"The commissioners shall take the oath now required by law,

Bond of County Court Bailiff.

Section as amended. and on the first Monday in August 1882, or within thirty days thereafter, and biennially thereafter, at the same time, they shall revise the jury lists as provided in this article: *Provided*, that in those counties within whose limits there is an incorporated town of ten thousand or more inhabitants, the revision of the jury lists shall be annually made by said jury commissioners—and shall receive two dollars each for every days service in making such revision, to be paid from the county treasury.

Method of determining population. SEC. II. *Be it further enacted*, That in determining the number of inhabitants of any town the last preceding census of the United States shall be taken as evidence of the number of inhabitants.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved August 18th, 1887.

BOND OF COUNTY COURT BAILIFF.

No. 150.

An Act to amend section two hundred and eighty-eight of the code of 1882.

Section 288 amended. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That from and after the passage of this Act, section two hundred and eighty-eight (288) of the code of 1882, be amended by striking from said section the word "two," which occurs in the sixth line thereof, and inserting in lieu of the same the word "*five*," so that said section when amended shall read as follows, to-wit: "Said county judge may appoint an officer to serve all processes issued by him, and all his writs, and execute all orders issued by him, from the resident citizens of the county where he is to act, to be called bailiff, at any time, taking from him the same kind of a bond and security as is required of constables, except it shall not exceed the sum of five hundred dollars, and administering to him the same oath administered to constables.

Bond of bailiff increased. SEC. II. *Be it furthermore enacted by the authority aforesaid*, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved September 5th, 1887.

Peddling of Jugs, Flower Pots, etc.—Oath of Superior Court Bailiffs.

PEDDLING OF JUGS, FLOWER-POTS, ETC.

No. 151.

An Act to amend section 1632 of the Code of 1882, by adding to said section the following words: "Nor to persons engaged in the manufacturing and selling of jugs, flower-pots, etc."

SECTION 1. *Be it enacted by the General Assembly of Georgia,* Sec. 1632 amended. That section 1632 of the Code of 1882 be, and the same is here-
by amended by adding to said section the following words: "Nor Peddling jugs, flower pots, etc. to persons engaged in the manufacturing and selling of jugs, flower-pots, etc.," so that said section, when amended, will read as follows: "None of the provisions of this article shall extend to persons selling the agricultural products of any State, nor to persons selling agricultural implements, nor to persons engaged in the manufacturing and selling of jugs, flower-pots, etc., within the State of Georgia." Section as amended.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved September 5th, 1887.

NOTE BY COMPILER.—The article referred to in this Act is the general provisions of the law as to peddlers.

OATH OF SUPERIOR COURT BAILIFFS.

No. 176.

An Act to substitute another section for section 3929 of the Code as to the oath of bailiffs.

SECTION 1. *Be it enacted,* That in lieu of section 3929 of the Code, as to the oath of bailiffs, the following shall be established, New section in lieu of Sec. 3929. to wit: The following oath shall be administered to all bailiffs on duty in the superior courts of this State, to wit:

"You shall take all juries committed to your charge during the present term to the jury room, or some other private and convenient place, where you shall keep them without meat or drink (water excepted), unless otherwise directed by the court. You shall make no communication with them yourself nor permit any one to communicate with them, except by leave of the court;" Oath of Superior Court bailiffs.

Enforcement of Special Liens for Rent.

you shall discharge all other duties which may devolve upon you as bailiff to the best of your skill and power: so help you God."

SEC. 2. That all laws and parts of laws in conflict here with be, and the same are hereby repealed.

Approved September 20, 1887.

ENFORCEMENT OF SPECIAL LIENS FOR RENT.

No. 177.

An Act to amend section 1977 of the Code of 1882, by adding after the last word of said section the words "landlords special liens for rent shall be enforced by distress warrant in the same manner as their general liens for rent are enforced, and no further allegation in the affidavit to procure a distress warrant to enforce a special lien for rent shall be necessary than is necessary to enforce the landlords general lien for rent.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That section 1977 of the Code of 1882 be amended by adding after the last word of said section the following words, to wit:

Sec. 1977
amended.

Enforce-
ment of
special
liens for
rent.

"Landlords special liens for rent shall be enforced by distress warrant in the same manner as the general liens for rent are enforced, and no further allegations in the affidavit to procure a distress warrant to enforce a special lien for rent shall be necessary than is necessary to enforce the landlords general lien for rent," so that said section shall read, when amended:

Section as
amended.

Landlords shall have a special lien for rent on crops made on land rented from them superior to all other liens except for taxes, to which they shall be inferior, and shall also have a general lien on the property of the debtor, liable to levy and sale, and such general lien shall date from the time of the levy of a distress warrant to enforce the same.

Such general lien of landlords shall be inferior to liens for taxes and the general and special lien of laborers, but shall rank with other liens, and with each other according to date, the date being from the time of levying a distress warrant as aforesaid, the special liens of landlords for rent shall date from the maturity of the crops on the lands rented, unless otherwise agreed on, but shall not be enforced by distress warrant until said rent is due, unless the tenant is removing his property, when the

Rights-of-Way for Persons Engaged in Mining.

landlords may, as provided elsewhere in this Code, enforce said liens, both general and special.

Landlords special liens for rent shall be enforced by by distress warrant in the same manner as the general liens for rent are enforced, and no further allegations in the affidavit to procure a distress warrant to enforce a special lien for rent shall be necessary than is necessary to enforce the landlords general lien for rent.

SEC. 2. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 20, 1887.

RIGHTS OF WAY FOR PERSONS ENGAGED IN MINING.

No. 181.

An Act to repeal sections 742 and 743 of the Code of Georgia, and to provide in lieu thereof another mode of obtaining rights of way by persons engaged in the business of mining.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That sections 742 and 743 of the Code of the State of Georgia, which provide how the owners of mines may obtain rights of way over the lands of others, be and the same are hereby repealed. Secs. 742 and 743 amended.

SEC. II. *Be it further enacted,* That any person, or corporation, who may hereafter be actually engaged in the business of mining iron, copper, gold, coal, or any other metal or mineral, in quarrying marble, granite, or any other stone, or in making copperas, sulphur, alum, or other similar articles, and may need for the successful prosecution of such business, a right of way for a railroad, turnpike, or common road, across the lands of others, such right of way may be obtained in the same manner that the right to convey water across the lands of others may be acquired by the owner of mines as provided by section 746 to 751, inclusive, of the Code of Georgia. How rights of way may be obtained.

SEC. III. *Be it further enacted,* That the arbitrators selected as provided by the sections of the Code above referred to, shall decide both as to the necessity for the right of way sought to be condemned, and the compensation to be paid to the land owner therefor. Extent of decision of arbitrators

SEC. IV. *Be it further enacted,* That all laws in conflict herewith are hereby repealed.

Approved September 20th, 1887.

Pledge of Commercial Papers Symbolic of Property.

PLEDGE OF COMMERCIAL PAPERS SYMBOLIC OF PROPERTY.

No. 271.

An Act to amend section 2138 of the Code of Georgia, by inserting after the the words "evidences of debt," in the fourth line, the words "ware house receipts, elevator receipts, bills of lading and other commercial paper symbolic of property," and for other purposes.

Sec. 2138
amended.

Warehouse
and eleva-
tor receipts
bills of lad-
ing, etc.,
may be
pledged.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same,* That section 2138 of the Code of Georgia be, and the same is hereby amended by inserting after the words "evidences of debt," in the fourth line, the words "ware-house receipts, elevator receipts, bills of lading, and other commercial paper symbolic of property," so as said section when so amended shall read as follows :

Section as
amended.

A pledge, or pawn, is property deposited with another as security for the payment of a debt. Delivery of the property is essential to this bailment, but promissory notes and evidences of debt, ware-house receipts, elevator receipts, bills of lading, of other commercial paper symbolic of property, may be delivered in pledge. The delivery of title deeds creates no pledge.

SEC. II. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 3, 1887.

NOTE BY COMPILER.—As to effect of pledge of ware-house receipts, &c., before passage of this Act, see *Planters' Rice Mill Co. vs. Merchants Nat. Bank of Savannah*; and same *vs. Southern Bank of the State of Georgia*; and same *vs. Olmstead & Co.* Decisions of the Supreme Court of Georgia, March Term, 1887, pamp. pps 7 & 8; also *Nat. Exchange Bank of Augusta vs. Graniteville Mfg. Co.* *Ib.* p. 10.

Venue for Trial of Wrongful Sellers of Mortgaged Property.—Punishment for same.

VENUE FOR TRIAL OF WRONGFUL SELLERS OF MORTGAGED
PROPERTY.

No. 292.

An Act to amend section 4601 (a) of the Code of 1882, which confers jurisdiction on the Superior Court of the county of the residence of the offender, under section 4600 of the Code of 1882, to try the offender.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That section 4601 (a) of the Code of 1882, which confers jurisdiction on the Superior Court of the county of the residence of the offender, under section 4600 of the Code, to try the offender, be, and the same is hereby amended by striking the words Superior Courts in the first line and insert in lieu thereof the following words: "proper courts," so that the section when amended will read as follows: The proper court held for the county in which the party violating section 4600 resides shall have jurisdiction to try the offender. Sec. 4601 (a) amended.

Jurisdiction given to "proper courts" instead of Superior Court alone.

SEC. II. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 8, 1887.

PUNISHMENT FOR WRONGFUL SALE OF MORTGAGED PROP-
ERTY.

No. 310.

An Act to amend section forty-six hundred (4600) of the Code of 1882.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, section forty-six hundred (4600) of the Code of 1882 be amended by striking from said section the words "imprisoned in the common jail," and inserting in lieu thereof the words, "confined on the chain gang," so that said section when amended shall read as follows, to-wit: "No person after having executed a mortgage deed to personal property shall be permitted to sell or otherwise dispose of the same, with intent to defraud the mortgagee, unless the consent of the mortgagee be first obtained before payment of the indebtedness for which the mortgage deed was executed; and if any person shall violate the provisions of this section, and loss thereby is sustained by the Sec. 4600 amended.

Punished by confinement in chain-gang. Section as amended.

 Commutation for Good Behavior of Term of Penitentiary Convicts.

holder of the mortgage, the offender shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in double the sum, or debt, which said mortgage was given to secure, and upon failure to pay said fine immediately, the person so convicted shall be confined in the chain gang or the county jail for a period not more than twelve months."

SEC. II. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 13, 1887.

 COMMUTATION FOR GOOD BEHAVIOR OF TERM OF
PENITENTIARY CONVICTS.

No. 318.

An act to repeal Section 4698 of the Code of 1882, and to substitute in lieu thereof another section.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That from and after the passage of this Act, section 4698 of the Code of 1882, which is in the following language to-wit: "The superintendent, or principal keeper, of the penitentiary, shall keep a book in which shall be entered the names of the convicts sentenced for a term of two or more years. Opposite to each name shall be placed by the book-keeper a mark of approbation or disapprobation, according to the conduct of each, and should it appear from this book that the conduct of any one is unexceptionable, then such convict's time of confinement (except confinement for life) shall be shortened four days in each and every month, for the time they shall have so served," be repealed and the following substituted in lieu thereof:

Sec. 4698
repealed.

New section enacted.

Register of conduct of convicts.

Report of Principal Keeper.

Extent of commutation for good conduct.

Record of made evidence.

"The superintendent of each penitentiary camp in this State shall keep a correct register of the conduct of each convict under his charge, to be termed the "good conduct account," in which he shall faithfully record the conduct of each convict under his charge, who shall demean himself or herself uprightly, and shall in his monthly report to the principal keeper of the penitentiary, state the name or names of such convict or convicts, and each convict who shall demean himself or herself uprightly and well, shall have deducted from the time for which he or she may have been sentenced, two months for the second year, three months for each subsequent year, until the tenth year, inclusive, and four months for each remaining year of the time of imprisonment. The reduction of time herein provided for is upon consideration of continued good conduct, and shall apply only to such convicts who have not been sentenced to imprisonment for life; and such record shall be

Elections for Change of County Sites.

evidence for or against the convict in any of the courts of this State.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed.

Approved October 13th, 1887.

ELECTIONS FOR CHANGE OF COUNTY SITES.

No. 343.

An Act to alter and amend section 508 (x) of the Code of Georgia, of 1882, in reference to change of county sites, by adding a proviso at the end of said section, so as to prevent elections occurring under the provisions of said section oftener than once in five years.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, section 508 (x) of the Code of this State, of 1882, be, and the same is hereby amended by adding at the end of said section the following words, to-wit: "*Provided*, that elections under this section shall not occur oftener than once in five years," so that said section when amended shall read as follows, *viz*: "Whenever two-fifths of the poll tax payers, (as shown by the tax receiver's digest last made out) of any county in this State shall petition the ordinary of any county for the removal or change of the county site of said county, said ordinary shall at once grant an order directing an election to be held at the various election precincts in said county, not less than forty, nor more than sixty, days hence, notice of which election shall be published weekly for four weeks in the newspaper in which the sheriff publishes his legal notices, previous to the day of said election, at which election all persons qualified to vote for members of the General Assembly are hereby qualified to vote at said election; *provided*, that elections under this section shall not occur oftener than once in five years." Sec. 508 (x) amended.
Elections not oftener than five years.
Section as amended.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed,

Approved October 20th, 1887.

Amount of Claim Bond Under Levies of Attachments.

AMOUNT OF CLAIM BOND UNDER LEVIES OF ATTACHMENTS.

No. 350.

An Act to amend Section 3322 of the Code of Georgia.

SECTION I. *Be it enacted by the General Assembly, and it is hereby enacted by authority of the same,* That Section 3322 of the Code be amended by striking, in the ninth and tenth lines of said Section the words, "at least equal to double the value of the property claimed," and, in lieu thereof, by adding the following words, "not larger than double the amount of the attachment levied; and where the property attached is of less value than the attachment, the amount of the bond shall be double the value of the property attached," so that said Section, as amended, shall read as follows:

Sec. 3322
amended.Amount of
bond to be
given.Section as
amended.

When property shall be levied on by virtue of an attachment, and the same is claimed by any person not a party to such attachment, it shall be the duty of the person claiming the same, his agent or attorney at law, to make oath before some person authorized by law to administer an oath, that the property levied on is the property of the claimant, and is not subject to such attachment, according to the best of his knowledge and belief, and said claimant shall give bond, with good security, payable to the plaintiff in attachment, in a sum not larger than double the amount of the attachment levied, and where the property attached is of less value than the attachment, to be judged of by the levying officer, conditioned to pay the plaintiff all damages which the jury, on the trial of the right of property, may assess against him, in case it should be made to appear that such claim was made for the purpose of delay, and in case the claim is interposed by the agent or attorney at law of the claimant, such agent or attorney at law, shall have power to sign the name of the claimant to the bond, and such claimant shall be bound in the same manner as though he had signed it himself. It shall be the duty of such officer, taking such affidavit and bond, to return the same to the court to which the attachment is returnable, unless the property levied on should be real estate, in which case it shall be his duty to return the same to the Superior Court of the County where land lies: (Provided, that if the claimant is unable to give such bond and security, he may interpose his claim, as elsewhere provided in this Act.)

SEC. II. *Be it further enacted,* That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed.

Approved October 20, 1887.

DECISIONS BY SUPREME COURT ON CROSS-BILLS OF EXCEPTIONS.

No. 375.

An Act to amend Section 4251 of the Code of Georgia of 1882, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, section 4251 of the Code of Georgia, be amended by adding thereto, at the end of the same, after the word "ordered," the following: "or if the effect of the affirmance is to leave the case to be again tried in the court below," so that said section, when amended, shall read as follows:

Sec. 4251
amended.

Cross-bill
to be ruled
on when
case is to
be tried
again.

"Either party in any civil cause, and the defendant in any criminal proceeding, in the Superior Courts of this State, may except to any sentence, judgment, or decision, or decree, of such Court, or of the Judge thereof, in any matter heard at Chambers. Such bill of exceptions shall specify plainly the decision complained of, and the alleged error, and shall be signed by the party, or his attorney, or solicitor. And when the successful party to any cause tried in any of the Superior or City Courts of this State, which is carried to the Supreme Court by the unsuccessful litigant, files a Cross-Bill of Exceptions, complaining of errors in rulings made upon the trial, adverse to him, it shall be the duty of the Supreme Court to hear argument upon such Cross-Bill of Exceptions, and to decide the questions therein made, if a reversal of the judgment of the court below is ordered, or if the effect of the affirmance is to leave the case to be again tried in the court below."

Section as
amended.

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

 Penalty for Furnishing Liquor on Election Days Extended to Primary Elections.

PENALTY FOR FURNISHING LIQUOR ON ELECTION DAYS EXTENDED TO PRIMARY ELECTIONS.

No. 376.

An Act to amend section 4570 of the Code of this State relating to the penalty for selling or furnishing liquor on election days, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That section 4570 of the Code of this State be amended by inserting between the words "municipal" and "shall" in the fifth line thereof the words, "or primary elections," and also by striking the word "or" in the fourth line of said section, and further by adding to said section the following: "Primary elections shall be construed to mean elections by ballot for the nomination of a candidate or candidates for office, as opposed to nominations by conventions to run at subsequent elections to be held under the laws of this State, for State, county or municipal offices," so that said section when amended shall read as follows:

Sec. 4570 amended.
Liquor not to be furnished or sold on days of primary elections.
Meaning of "primary elections."
Section as amended.

Any person who shall sell, give or furnish any spirituous, intoxicating or malt liquors to any person, in any quantity whatever, within two miles of any election precinct in this State, on days of election, either State, county, municipal or primary elections, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section 4310 of the Code: *Provided*, nothing herein contained shall be construed to operate against prescriptions by physicians.

Primary elections shall be construed to mean elections by ballot for the nominations of a candidate or candidates for office, as opposed to nomination by conventions, to run at subsequent elections, to be held under the laws of this State, for State, county or municipal offices.

SEC. II. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Exemption "Yoke Oxen" under Sec. 2040 of Code.—Right of Action in cases of Homicide by Railroads.

EXEMPTION OF "YOKE OF OXEN" UNDER SECTION 2040 OF THE CODE.

No. 479.

An Act to amend section 2040 of the Code of Georgia of 1882, which relates to property exempt from levy and sale, and for other purposes.

SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That from and after the passage of this Act, section 2040 of the Code of Georgia of 1882, which relates to property exempt from levy and sale, be amended as follows, to-wit: Add after the word "mule" in the second paragraph of said section the words, "or in lieu thereof one yoke of oxen," so that the second paragraph of said section when so amended shall read: "One farm horse or mule, or in lieu thereof one yoke of oxen." Sec. 2040 amended.
Yoke of often in lieu of mule.
Section as amended.

SEC. II. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

RIGHT OF ACTION IN CASES OF HOMICIDE BY RAILROADS

No. 588.

An Act to amend section 2971 of the Code of 1882, as amended by the Act, approved, December 16th, 1878, by inserting after the words, "surviving child or children," the following: "The husband may recover for the homicide of his wife, and if she leave child or children surviving, said husband and children shall sue jointly and *not* separately, with the right to recover the full value of the life of the deceased, as shown by the evidence, and with the right of survivorship as to said suit if either die pending the action. A mother, or if no mother, a father, may recover for the homicide of a child, minor or *sui juris*, upon whom she or he is dependent or who contributes to his or her support, unless said child leave a wife, husband or child, said mother or father shall be entitled to recover the full value of the life of said child. The word 'homicide,' under this section, shall be held to include all cases where the death of a human being results from a crime or from criminal or other negligence." And to add to said section the words: "Full value of the life of the deceased, as shown by the evi-

Right of Action in Cases of Homicide by Railroads.

dence, as used in this section, shall be held to mean the full value of the life of the deceased, as shown by the evidence, without any deduction for necessary or other personal expenses of the deceased had he lived.

Sec. 2971
amended.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same,* That section 2971 of the Code of 1882, as amended by the Act, approved December 16th, 1878, which reads as follows, "A widow, or if no widow, a child or children may recover for the homicide of the husband or parent, and if suit be brought by the widow or children, and the former or one of the latter dies pending the action, the same shall survive in the first case to the children, and in the latter case to the surviving child or children. The plaintiff, whether widow or child or children, may recover the full value of the life of the deceased, as shown by the evidence. In the event of a recovery by the widow, she shall hold the amount recovered subject to the law of descents, just as if it had been personal property descending to the widow and children from the deceased, and no recovery had under the provisions of this section and the law of which it is amendatory shall be subject to any debt or liability of any character of the deceased husband or parent," be, and the same is amended by inserting after the words, "surviving child or children," the following: The husband may recover for the homicide of his wife, and if she leave child or children surviving, said husband and children shall sue jointly and not separately, with the right to recover the full value of the life of the deceased, as shown by the evidence, and with the right of survivorship as to said suit if either die pending the action. A mother, or if no mother, a father, may recover for the homicide of a child, minor, or *sui juris* upon whom she or he is dependent, or who contributes to his or her support, unless said child leave a wife, husband or child. Said mother or father shall be entitled to recover the full value of the life of said child. The word "homicide" under this section shall be held to include all cases where the death of a human being results from a crime or from criminal or other negligence, and to add to said section the words: "Full value of the life of the deceased, as shown by the evidence, as used in this section, shall be held to mean the full value of the life of the deceased, as shown by the evidence without any deduction for necessary or other personal expenses of the deceased had he lived," so that said section when amended shall read as follows: "A widow, or if no widow, a child or children, may recover for the homicide of the husband or parent, and if suit be brought by the widow or children and the former, or

Husband
or husband
and child-
ren may
recover for
homicide
of wife.

Mother or
father may
recover for
homicide
of child.

Definition
of "homi-
cide"

Definition
of words
"full value
of life."

Section as
amended.

Right of Action in Cases of Homicide by Railroads.

one of the latter dies pending the action, the same shall survive in the first case to the children, and in the latter case to the surviving child or children. The husband may recover for the homicide of his wife, and if she leaves child or children surviving, said husband and children shall sue jointly, and not separately, with the right to recover the full value of the life of the deceased, as shown by the evidence, and with the right of survivorship as to said suit if either die pending the action. A mother, or if no mother, a father, may recover for the homicide of a child, minor or *sui juris*, upon whom she or he is dependent, or who contributes to his or her support, unless said child leave a wife, husband or child. Said mother or father shall be entitled to recover the full value of the life of said child. The word "homicide," used in this section, shall be held to include all cases where the death of a human being results from a crime or from criminal or other negligence. The plaintiff, whether widow or child or children, may recover the full value of the life of the deceased, as shown by the evidence. In the event of a recovery by the widow she shall hold the amount recovered subject to the law of descents, just as if it had been personal property descending to the widow and children from the deceased, and no recovery had under the provisions of this section, and the law of which it is amendatory, shall be subject to any debt or liability of any character of the deceased husband, or parent, the full value of the life of the deceased, as shown by the evidence, as used in this section, shall be held to mean the full value of the life of the deceased, as shown by the evidence, without any deduction for necessary or other personal expenses of the deceased had he lived.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 27th, 1887.

Changing the Terms of the Superior Courts in the Counties of Quitman and Clay, etc.

TITLE V.

SUPERIOR COURTS.

ACTS.

Changing the terms of the Superior Courts in the counties of Quitman and Clay, etc.
 Changing the terms of Jasper Superior Court.
 Changing time of fall term of Clarke Superior Court.
 Continuing Stone Mountain Circuit and adding Douglas county thereto.
 Changing terms of Burke Superior Court.
 Changing fall terms of Gwinnett Superior Court.
 Judicial Calendar for the Macon Circuit.

CHANGING THE TERMS OF THE SUPERIOR COURTS IN THE COUNTIES OF QUITMAN AND CLAY, &C.

No. 144.

An Act to change and define the time of holding the Superior Courts in the counties of Quitman and Clay, and to allow the Superior Court to sit two weeks when necessary in the county of Clay, and to provide for the drawing of two panels of petit jurors in said county, one for each week.

Terms of
Quitman
Superior
Court.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, the Superior Court of Quitman county shall commence its sessions on the second Monday in March instead of the third Monday in March, and the second Monday in September instead of the third Monday in September, in each year.

Terms of
Clay Super-
ior Court.

SEC. II. *Be it further enacted,* That the Superior Court of Clay County shall commence its sessions on the third Monday in March instead of on the fourth Monday in March, and the third Monday in September instead of the fourth Monday in September, in each year; and it shall and may be lawful for the said Superior Court of Clay County to hold two weeks when necessary.

Petit Jurors
for Clay
Superior
Court.

SEC. III. *Be it further enacted,* That it shall and may be lawful for the Judge of the Superior Court of Clay County to draw

Changing the Terms of Jasper Superior Court.

for each session of said court two panels of petit jurors, one for each week.

SEC. IV. *Be it further enacted*, That all writs, processes, or—^{Writs, processes, etc.} orders, summonses, and other proceedings, returnable to said Courts, prior to the passage of this act, shall be held and considered as returnable to the terms as herein fixed and prescribed.

SEC. V. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 2, 1887.

CHANGING THE TERMS OF JASPER SUPERIOR COURT.

No. 145.

An Act to change the time of holding the Superior Courts of the county of Jasper in the Ocmulgee Circuit, from the fourth Mondays in April and October to the fourth Mondays in March and September, and provide for the same.

SECTION I. *Be it enacted by the General Assembly*, That from ^{Terms changed.} and after the passage of this Act, the term of holding the Superior Courts of Jasper County in the Ocmulgee Circuit, shall be changed from the fourth Mondays in April and October to the fourth Mondays in March and September, in each year.

SEC. II. *Be it further enacted*, That all suits, writs, summonses, ^{Suits, writs etc.} processes, orders and other proceedings, pending in and returnable to said court prior to the passage of this Act, shall be held and considered as returnable to the terms herein fixed and prescribed, and the grand and traverse jurors which have been or may be drawn for the terms as prescribed prior to the passage of this Act, shall be required to attend and serve as said jurors for the terms fixed and prescribed by this Act.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 2, 1887.

Changing Fall Term Clarke Superior Court.—Continuing Stone Mountain Circuit and adding Douglas.

CHANGING TIME OF FALL TERM OF CLARKE SUPERIOR COURT.

No. 277.

An Act to change the time of holding the fall term of the Superior court of Clarke county, and for other purposes.

Fall term
changed to
2d Monday
in Nov.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the time of holding the fall term of the Superior Court of Clarke county in this State shall be on the second Monday of November of each year instead of on the second Monday of October as now provided by law.

Writs, etc.

Jurors.

Publica-
tion of this
Act.

SEC. II. *Be it further enacted*, That all writs, suits, processes, orders, summons and other proceedings returnable to the October term, 1887, of said court shall be held and deemed returnable to the November term, 1887, of said court, as fixed by this Act, and the traverse and grand jurors drawn for the fall term of said court as prescribed prior to the passage of this Act shall be required to attend and serve for the term designated by this Act, and it shall be the duty of the ordinary of Clarke county to give notice of the charge of holding the fall term of the Superior court of Clarke county by one publication of this Act in each of the newspapers published in said county.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed.

Approved October 4th, 1887

CONTINUING STONE MOUNTAIN CIRCUIT AND ADDING DOUGLAS COUNTY THERETO.

No. 324.

An Act to amend an Act entitled an Act to create and organize a new judicial circuit of the Superior courts of this State, approved September 8th, 1885, by striking therefrom the provisos at the end of the first section thereof, and by adding to said Stone Mountain Circuit the county of Douglas, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same*,

Changing Terms of Burke Superior Court.

That from and after the passage of this Act, section one of the above recited Act be amended by striking therefrom the following proviso, to-wit: "Provided that said circuit shall cease to exist on the first day of January, 1888, and *provided further*, that after the first day of January, 1888, the counties of DeKalb and Clayton shall be re-annexed to the Atlanta Judicial circuit," so that said section as amended shall read as follows: *Be it enacted by the General Assembly of the State of Georgia*, That a new judicial circuit of the Superior courts of this State to be called the "Stone Mountain Circuit," be, and the same is hereby created and organized to be composed of the counties of DeKalb and Clayton.

Act of Sept 8th, 1885, as to Stone Mountain Circuit amended.

Circuit made permanent.

SEC. II. *Be it further enacted*, That the above recited Act be further emended by adding thereto the following which shall be regarded as a separate section, to-wit: "That the county of Douglas, which now forms a part of the Coweta Judicial circuit, be transferred from such circuit to the Stone Mountain circuit, and that the rights, powers and duties of the judge of the Stone Mountain circuit, as to such county, shall be the same as now required by law as to the counties of DeKalb and Clayton.

County of Douglas added to said circuit

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 14th, 1887.

CHANGING TERMS OF BURKE SUPERIOR COURT.

No. 351.

An Act to change the time of holding the Superior courts in the county of Burke, so that said courts shall convene on the first Monday of December and the first Monday in June of each year instead of the third Monday in May and November as now provided.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the same*, That from and after this date the Superior Courts shall be held in the county of Burke, commencing on the first Monday in June and the first Monday in December of each year, instead of on the third Monday in November and May as now provided by law.

Terms of Burke Superior Court to begin 1st Monday in June and December.

SEC. II. That all bills, writs, processes or orders of court returnable to the November term, 1887, of said court, are by this Act made returnable on the first Monday in December, 1887.

Writs, etc.

Changing Fall Terms of Gwinnett Superior Court.—Judicial Calendar for the Macon Circuit.

SEC. III. *Be it further enacted*, That all laws in conflict with this Act be, and the same are hereby repealed.

Approved October 20, 1887.

CHANGING FALL TERMS OF GWINNETT SUPERIOR COURT.

No. 390.

An Act to change the time of holding the fall term of the Superior Court of the county of Gwinnett, in the Western Judicial Circuit, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia hereby enacts*, That from and after the passage of this Act, beginning with the year 1888, the fall term of the Superior Court of the county of Gwinnett, in the Western Judicial Circuit of this State, shall convene on the second Monday in October, instead of the first Monday in September, as now provided by law, and that all writs, processes, summonses, and all other papers pertaining to said court, shall be made returnable accordingly.

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed

Approved October 22, 1887.

JUDICIAL CALENDAR FOR THE MACON CIRCUIT.

No. 432.

An Act to prescribe the time of holding the Superior Courts of the Macon circuit, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, the times of holding the Superior Courts of the Macon circuit shall be as follows: Houston county, commencing on the first Mondays in April and October, and holding two weeks, if necessary; Crawford county, commencing on third Mondays in April and October, and holding two weeks, if necessary; Bibb county, commencing on first Mondays in May and November, and shall continue from week to week, so long as the presiding judge shall deem necessary.

Houston
county.

Crawford
county.

Bibb coun-
ty.

SEC. II. *Be it further enacted*, That all writs, processes, cases, ^{Writs, pro-} orders and other proceedings, which are returnable to said ^{cess, etc.} courts, at the times now prescribed by law, for the year 1887, are hereby made returnable to the times of holding said courts as changed by this Act, and that all jurors, suitors, witnesses and ^{Jurors} other persons summoned or ordered to be at said courts, or who ^{witnesses,} have business in said courts, are hereby required to attend said courts as changed by this Act without further notice or summons.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Prohibiting Attorneys at Law being Jury Commissioners.

TITLE VI.

COUNTY OFFICERS.

ACTS.

Prohibiting Attorneys at law being jury commissioners.
 Superior Court Clerks required to keep duplex index of recorded instruments.
 County Commissioners, Tax Collectors and Receivers, members County Board of Education,
 County School Commissioners, Ordinaries and County Treasurers, incompetent as Grand
 Jurors.
 Allowing Ordinaries to issue *fi. fas.* for costs, &c.

PROHIBITING ATTORNEYS AT LAW BEING JURY COMMISSIONERS.

No. 243.

An Act to prohibit practicing attorneys at law from holding the office of Jury Commissioners in this State, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, it shall be unlawful for any practicing attorney at law in this State to hold the office of Jury Commissioner in any county of this State, or exercise the functions thereof: *Provided,* that nothing herein shall disqualify any Jury Commissioner, now in office, and not heretofore disqualified, from service as such, during the balance of his term as commissioner.

SEC. II. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
 Approved September 29, 1887.

Practicing
attorneys
not to be
jury com-
missioners

Commis-
sioners
now in of-
fice not dis-
qualified.

Superior Court Clerks to keep Duplex Index.—County Commissioners, etc., incompetent Grand Jurors.

**SUPERIOR COURT CLERKS REQUIRED TO KEEP DUPLEX INDEX
OF RECORDED INSTRUMENTS.**

No. 278.

An Act to require the clerk of the Superior Court of each county to procure and keep a duplex index of the written instruments recorded in his office.

SECTION I. *Be it enacted by the General Assembly of Georgia,* ^{Clerk to keep duplex index.} *and it is hereby enacted by authority of the same,* That the clerk of Superior Court of each county provide at the expense of each county, a duplex index book, wherein shall be indexed the names of grantor and grantee of every instrument hereafter recorded in his office, the character of the instrument, date of the instrument, ^{What to contain.} book where recorded and the date of the record.

SEC. II. *Be it further enacted,* That inconsistent laws be repealed.

Approved October 5th, 1887.

**COUNTY COMMISSIONERS AND TAX COLLECTORS AND
RECEIVERS, MEMBERS COUNTY BOARDS OF EDUCATION,
COUNTY SCHOOL COMMISSIONERS, ORDINARIES AND COUNTY
TREASURERS INCOMPETENT AS GRAND JURORS.**

No. 280.

An Act to make county commissioners, tax receivers, tax collectors, members of the county board of education, county school commissioners, ordinaries and county treasurers, incompetent to serve as grand jurors, during their terms of office, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia,* ^{Certain county officers incompetent as grand jurors.} *and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, county commissioners, tax receivers, tax collectors, members of the county board of education, county school commissioners, ordinaries and county treasurers shall be incompetent to serve as grand jurors during their term of office.

SEC. II. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 5th, 1887,

Allowing Ordinaries to issue *Fi. Fas.* for Costs, etc.

ALLOWING ORDINARIES TO ISSUE *FI. FAS.* FOR COSTS, ETC.

No. 307.

An Act to authorize the Ordinaries of the several counties of this State to issue *fi. fas.* for their fees and costs and to prescribe for the direction, return and enforcement of the same.

Ordinaries may issue *fi. fas.* for costs against admrs, etc.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, whenever the Ordinary of either of the several counties of this State shall have any costs due him by executors, administrators, or guardians, upon neglect or failure to pay the same on demand made by said Ordinary upon said executors, administrators, or guardians, then said Ordinary is hereby empowered to issue a *fi. fa.*, at any regular term of said Court against said executors, administrators, or guardians, for the amount due him for costs at the time of said demand.

Also in all cases tried before them.

SEC. II. *Be it further enacted,* That in all cases tried before the Ordinary, under and by virtue of the several statutes of this State, and judgment has been entered therein, the said Ordinary is hereby empowered to issue *fi. fas.* for his costs therein against the party or parties liable therein for said costs.

How directed and returned.

SEC. III. *Be it further enacted,* That the *fi. fas.* provided for in the two preceding sections of this Act shall be directed, "To all and singular the sheriffs of this State," and be made returnable to the Court of Ordinary.

Defenses to

SEC. IV. *Be it further enacted,* That whenever any claim, illegality, or other defense, is filed by the defendant in *fi. fa.* it shall be the duty of the sheriff to return the *fi. fa.* and the defense to the next Superior Court of said county where the issues made by said defense shall be tried as other cases in said Superior Court.

SEC. V. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 13th, 1887.

Fees of Justices of the Peace in Certain Cases where not before Fixed.

TITLE VII.

JUDICIARY.

ACTS.

Fees of Justices of the Peace in certain cases where not before fixed.
 Sales of trust property and reinvestment of proceeds.
 Special terms of Court for granting charters.
 Fixing time for adjournment of Superior and City Courts.
 Defining offense of "Blackmail" and fixing penalty.
 Amendment of Affidavits to foreclose Liens.
 Sale of property not replevied in trover cases.
 Requiring withdrawal of Affidavits of Forgery in certain cases.
 More clearly defining Arson
 Defining what is Posting Lands.
 Allowing original *fi. fa.* to be withdrawn in claim cases
 Levy on and sale for purchase money of personalty where title is reserved in vendor.
 Injunction to restrain working of timber for turpentine.
 Providing a uniform mode of procedure in civil cases.
 Pay of Jurors in Lunacy cases.

FEEES OF JUSTICES OF THE PEACE IN CERTAIN CASES WHERE NOT BEFORE FIXED.

No. 142.

An Act to fix the fees of Justices of the Peace and Notaries Public, who are ex-officio Justices of the Peace, in certain cases where no fees are now allowed by law.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same.* That from and after the passage of this Act, that in addition to the fees of Justices of the Peace and Notaries Public now allowed by law, they shall be entitled to charge and collect the following fees, to-wit: For issuing commission to take interrogatories, 50c; for affidavit, summons and trial in cases of bail trover, \$1.25; for backing *fi. fa.* from another county, 35c; for issuing rule *nisi vs. officer*, 35c; for trying the same, 35c; for judgment on same, 35c; for

Commission-
sions for
interroga-
tries.
Fees in bail
trover
cases.
Backing
fi. fa.
Rule nisi
vs. officer,
trial and
judgment.

Sales of Trust Property and Re-investment of Proceeds.

Attach-
ments for
contempt.

attachment for contempt against an officer of the court for failure to comply with any lawful order or process of the court, 50c.

SEC II. *Be it further enacted*, That all laws militating against this Act be, and the same are hereby repealed.

Approved September 2, 1887.

SALES OF TRUST PROPERTY AND RE-INVESTMENT OF
PROCEEDS.

NO. 149.

An Act to require a re investment of the proceeds of the sale of trust property, and a report of the acts of trustees making sales, and to provide a remedy for the failure so to make said re-investment and report, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That in all cases, where a judge in term by order, or by decree based on the verdict of a jury, or by order in vacation shall order or allow any trust property to be sold, it shall be the duty of the court, chancellor or judge signing the said order allowing said sale, to order and require the trustee or person to make said sale within 60 days from the date of said order, to fill and have recorded in the office of the Clerk of the Superior Court of the county having jurisdiction of said trust property, a written report on oath of his actings and doings under and by virtue of said order, with the name of the purchaser of the property, the price at which the same was sold, together with a description of the property in which the proceeds have been re-invested, the price paid and the name of the person from whom the same was bought; if said proceeds have been re-invested, and if not, the reason therefor.

Report of
sale to be
made.

What to
contain.

Confirma-
tion or re-
jection of
re-invest-
ment.
Where re-
investment
has not
been made.

If the proceeds have been re-invested, the judge shall pass such order as to him shall seem best, confirming the same or ordering a new investment. If said proceeds have not been re-invested, the judge shall issue such order as shall be necessary, and require said trustee to report within sixty days from said last named order, as hereinbefore required.

Penalty for
failure to
file report
and make
re-invest-
ment.

SEC. II. *Be it further enacted*, That in case any trustee or other person making a sale as herein provided shall fail, neglect or refuse to make said report and re-investment as herein provided, the judge shall cause a rule to be issued against said trustee or other person making said sale returnable at a time therein stated, and upon the hearing thereof, shall compel the trustee to re-invest said funds under the direction of the court upon pain

Special Terms of Court for granting Charters.

of being attached for contempt and committed until the same is done.

SEC. III. Purchasers shall in no case be required to see to a ^{Purchasers need not} re-investment of any proceeds of such sales; but guardians *ad litem* and all other persons *sui juris* parties to the proceedings ^{look to re-investment} in which leave to sell has been granted, shall be bound to see to ^{Parties must.} said re-investment and report, or upon the failure of the trustee to re-invest and report shall be bound to have the failure to obey said order called to the attention of the court for its action.

SEC. IV. *Be it further enacted*, That courts of chancery being ^{Judges of Superior Courts to see that this Act is enforced.} expressly charged with the management and government of trusts and trust estates it is hereby made the duty of the Judges of the Superior Courts of this State to see that the provisions of this act are enforced.

SEC. V. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved September 5th, 1887.

SPECIAL TERMS OF COURT FOR GRANTING CHARTERS.

No. 194.

An Act to authorize the Judges of the Superior Courts of this State to call special terms of their courts to grant charters to corporations under the same rules, regulations and restrictions now required by law for grant of same.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the Judges of the Superior Courts of this State are hereby authorized in their discretion to call and hold special terms of said courts for the purpose of granting charters to corporations under the same rules, regulations and restrictions now required by law for the grant of charters. ^{Judges may call special terms to grant charters.}

SEC. II. *Be it further enacted by the authority of the same*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21st 1887.

Fixing Time for Adjournment of Superior and City Courts.—Defining "Blackmail" and fixing Penalty.

**FIXING TIME FOR ADJOURNMENT OF SUPERIOR AND
CITY COURTS.**

No. 213.

An Act to fix the time for the adjournment of the Superior and City courts in the State of Georgia.

Preamble. WHEREAS, great inconvenience and injustice often result to the clerks of the superior and city courts of this State, where such courts are held without intermission from term to term, said clerks in such cases, not having sufficient time to prepare the dockets and arrange the papers for the next term, for remedy whereof,

Terms to be adjourned at least five days before next term. SECTION 1. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this act it shall be the duty of the Judges of the Superior and City courts, in this State, to adjourn the regular and adjourned terms of said courts at least five days before the commencement of the next regular term of said courts.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21 1887.

DEFINING OFFENCE OF "BLACK MAIL" AND FIXING PENALTY.

No. 272.

An Act to define the offence of Blackmail, to prescribe a penalty therefor, and for other purposes.

Blackmail defined. SECTION. 1. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same,* That if any person or persons shall, either verbally, or by printing, or writing, accuse another of a crime or offence, or expose or publish any of his or her personal, or business acts, infirmities failings, or compel any person to do any act, or to refrain from doing any lawful act, against his or her will, with intent to extort money or other things of value from any person, or if any person or persons shall attempt or threaten to do any of the acts above enumerated against any person with the intent to extort money or other thing of value, such person or persons so offending shall be deemed guilty of blackmail, and on conviction shall be punished as prescribed in section 4310 of the Code: *Provided,* that no court in this State shall have jurisdiction to enquire into any presentment made, or

Penalty.

Proviso.

Amendment of Affidavits to Foreclose Liens.—Sale of Property Not Replevied in Trover Cases

indictment found, by the grand jury of the county in which the offence has been committed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Approved October 3 1887.

AMENDMENT OF AFFIDAVITS TO FORECLOSE LIENS.

No. 281.

An Act to provide for the amendment of affidavits to foreclose liens.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That all affidavits hereafter made in this State for the foreclosure of liens, including mortgages, shall be amendable to the same extent as ordinary declarations and with only the restrictions, limitations and consequences now obtaining in the case of ordinary declarations. Affidavits to foreclose liens amendable

SEC. II. *Be it further enacted*, That this right of amendment shall include the supplying of vital and necessary averments omitted in the original affidavits, but that such amendment shall be sworn to as the original affidavit is now required to be, reasonable time being given for this purpose when necessary. What to include and how sworn to.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 5th, 1887.

SALE OF PROPERTY NOT REPLEVIED IN TROVER CASES.

No. 291.

An Act to allow the sale of property taken in trover where neither plaintiff nor defendant replevies, in the same manner as is now permitted in cases of levy under attachment.

SECTION. I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same*, That from and after the passage of this Act, whenever any lawful officer of this State shall have taken possession of any property under process, in any case of trover, and neither the plaintiff nor defendant shall replevy such property, and such property remains in the hands of such officer, and is of a perishable nature, or liable to deterioration from keeping, or that there is expense attending Perishable property, etc., not replevied, may be sold.

 Requiring Withdrawal of Affidavits of Forgery in Certain Cases.

the keeping of the same, the same may be sold under the provisions of section 3648 of the Code of Georgia, of 1882, as to sale of property levied on under attachment: *Provided*, that in case the property is sold that the plaintiff, in case of recovery, shall only be entitled to a money verdict for the amount of the proceeds of such sale together with hire or interest from the date of conversion to the date of seizure, if the jury shall so find.

How to be sold.
Provido.

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved October 8th, 1887.

 REQUIRING WITHDRAWAL OF AFFIDAVITS OF FORGERY IN CERTAIN CASES.

No. 296.

An Act to require defendants in any case to withdraw affidavits of forgery made to plaintiffs' deeds in all cases where it shall appear that said deed or deeds has been lost or destroyed in the possession of the defendant or his counsel, and for other purposes.

Affidavits of forgery of plaintiffs' deeds to be withdrawn, when.

SEC. I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same*, That from and after the passage of this Act, in all cases where affidavits of forgery have been filed to plaintiffs' deed or deeds in any case, and said deed or deeds have been turned over to the defendant or his counsel, in order to procure evidence upon said issue of forgery, and shall have been destroyed or lost by the defendant or his counsel, or for any cause shall not be returned to plaintiff, then, in either event, it shall be the duty of the Judge, trying said case, to strike said affidavit of forgery, and withdraw said issue from the jury, until such deed shall be produced.

Same rules as to deeds of defendant.

SEC. II. *Be it further enacted*, That same rule shall also apply in any case where the plaintiff files an affidavit of forgery as to the deeds of the defendant.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Approved October 8, 1887.

 More Clearly Defining Arson.—Defining what is Posting Lands.

MORE CLEARLY DEFINING ARSON.

No. 329.

An Act to more clearly define the offence of Arson in this State.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the fact that the person burning or attempting to burn the house or out house of another, may be himself the occupant of such house or in possession of such out house, shall make the offence none the less arson or an attempt to commit arson, respectively; provided such occupancy or possession is as tenant of the owner, or as an intruder.

Arson is
burning or
attempting
to burn
out-house
of another.

SEC. II. *Be it enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15, 1887.

 DEFINING WHAT IS POSTING LANDS.

No. 348.

An Act to define what is posting lands, when required by any general or local law of this State.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same*, That from and after the passage of this Act, whenever notice is required to be given by posting lands, in any general, or local law, heretofore passed, or that in future may be passed, in which the manner of posting is not prescribed, that posting notices either written or printed, setting out the inhibitions, under the provisions of such law, in not less than six places, on posts or trees, in open and conspicuous positions on, or near the boundary lines of the land, or premises, to be affected thereby, and at the court house in the county, in which the lands are situated, shall be deemed and held sufficient and legal posting.

What
"posting
lands"
shall mean

SEC. II. *And be it enacted by the same authority*, That all laws and parts of laws militating against the provisions of this Act, be, and the same are hereby repealed

Approved October 20th, 1887.

Original *Fi. Fa.* to be Withdrawn in Claim Cases.—Levy and Sale for Purchase Money of Personalty.

ALLOWING ORIGINAL *FI. FA.* TO BE WITHDRAWN IN CLAIM CASES.

No. 358.

An Act to authorize the plaintiff in execution to withdraw the original *fi. fa.*, in claim cases, when the same is returned to the court by the levying officer upon the filing of claims to property levied on thereunder.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, the plaintiff in execution, in all claim cases pending in the courts of this State, or that may be hereafter pending shall have the right to withdraw the original *fi. fa.* from the files of the court after the same has been returned to the court with the claim papers as required by law in claim cases, by making application therefor, in person, or by agent, or attorneys, to the clerk of the court, if there be a clerk, or to the court, if there be no clerk; upon application being made to such clerk or court, as the case may be, shall make a true copy of such a *fi. fa.* with all the entries thereon, and shall certify the same to be true, which certified copy shall be filed with the said claim papers in lieu of the original *fi. fa.* and an entry of the filing made thereon; for which copy and certificate the usual fees shall be paid by the party withdrawing the original *fi. fa.*

SEC. II. *Be it further enacted,* That all laws in conflict with this Act are hereby repealed.

Approved October 22nd, 1887.

LEVY ON AND SALE FOR PURCHASE MONEY OF PERSONALTY WHERE TITLE IS RESERVED IN VENDOR.

No. 371.

An Act to provide for the levy and sale of personal property, for purchase money, where the title to the same is retained in the vendor.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after passage of this Act, when any judgment has been or shall be rendered in any of the courts of this State upon any note or other evidence of debt, given for the purchase money of personal

Injunction to Restrain Working of Timber for Turpentine.

property, where the title to the same has been retained in the vendor, it shall and may be lawful for the holder of said note, or other evidence of debt, in which title is retained, to make and file and have recorded in the clerk's office of the superior court where the defendant resides, a bill of sale to the defendant for said personal property, or if he be dead then to the executor or administrator of such deceased defendant, or if there be no executor or administrator, then to the heirs of said deceased; and if said holder of said debt, or other evidence of debt, in which title is retained be dead, then his executor or administrator may in like manner make and file such bill of sale without obtaining an order of the court for that purpose, whereupon said personal property may be levied on and sold under such judgments as in other cases: *Provided*, said judgments shall take and be a lien upon said personal property, and the proceeds of the sale thereof prior to all other judgments, claims, liens and other encumbrances, until the said judgment shall be fully paid off and satisfied. Priority of lien.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same is hereby repealed.

Approved October 22nd, 1887.

INJUNCTION TO RESTRAIN WORKING OF TIMBER FOR TURPENTINE.

No. 382.

An Act to amend an Act entitled an Act to amend the practice in equity, as to granting injunctions restricting the cutting of timber or boxing the same for turpentine purposes, approved October 13th, 1885, so as to apply the same to the working of timber for turpentine purposes after the same has been boxed, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That an Act, entitled "an Act to amend the practice in equity as to granting injunctions, restricting the cutting of timber or boxing the same for turpentine purposes," approved October 13th, 1885, by inserting in the first section of said act, in the third (3) line thereof, between the words "purposes" and "it," the words "or otherwise working the same for turpentine purposes," so that said section, when so amended, shall read as follows: "That from and after the passage of this act, in all applications to enjoin the cutting of timber or boxing the same for turpentine purposes, or otherwise working the same for turpentine purposes, it shall not be necessary to aver or prove insolvency, or that the damage will Act of Oct. 13, 1885, amended.
Working timber for turpentine purposes.
Act as amended.

Providing a Uniform Mode of Procedure in Civil Cases.

be irreparable: *Provided*, the complainant has perfect title to the land upon which the timber is situated, and shall attach a copy of the same as an exhibit to the bill; and, provided further, that the chancellor, granting said temporary restraining order, shall require the complainant to give such bond as in his discretion he may deem proper, (said bond to be approved by the clerk of the superior court to which said proceedings are returnable, and to be filed in the office of the clerk of said court), to answer the damages, if any, which may be sustained by the defendant, by reason of the granting of said injunction, which bond shall be held and taken as appeal bonds; and if, on the final hearing of the cause, damages are adjudged against the complainant, judgment shall be entered against the surties on said bond as in appeal cases.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved October 22nd, 1887.

PROVIDING A UNIFORM MODE OF PROCEDURE IN CIVIL CASES.

No. 455.

An Act to provide a uniform mode of procedure in civil suits, except as herein provided.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the superior courts of this State, on the trial of any civil case therein, shall give effect to all the rights of the parties, legal or equitable, or both, and apply on such trial remedies or relief, legal or equitable, or both, in favor of either party, such as the nature of the case may allow or require.

SEC. II. *Be it further enacted*, That hereafter all civil suits begun in a superior court of this State, founded on a legal or equitable cause or action, for a legal or equitable remedy, or both, shall be commenced by a petition addressed to said court, which shall set forth the cause of action, legal or equitable, or both, which is hereby allowed, and his claims for legal or equitable relief, or remedy, or both, which is hereby allowed plainly, fully and distinctly.

SEC. III. *Be it further enacted*, That whenever by existing law, copies of contracts or other instruments of writing, records, exhibits and abstracts of writing, should be incorporated in or attached to the pleadings of the parties, the same rule must be followed in pleadings referred to in this Act.

SEC. IV. *Be it further enacted*, That whenever any extraordinary relief for remedy as known in courts of equity is claimed in aid of any action or defense as provided for in this Act, the same may be claimed from the superior courts of this State, or judges thereof,

Equitable or legal rights to be given effect and remedies applied.

All civil suits to be begun by petition.

Copies of contracts, etc., to be incorporated or attached.

Extraordinary equitable remedies to be granted at law.

according to existing law, either in the original petition and answer, or by amendment thereto by special petition and pleading for that purpose.

SEC. V. *Be it further enacted*, That no petition needs to be verified, unless it seeks an extraordinary equitable relief, or remedy, in which case it must be. Verification of petitions.

SEC. VI. *Be it further enacted*, That the form of process to the petition referred to above shall be that at present required in actions at law varied to meet the nature of the action, relief and remedy sought, and shall be annexed to the petition and filed and served as now required in actions in law, unless this is impossible when service shall be made as is now required in equitable proceedings. The time of filing in office of said petition shall be as prevails in actions at law. Process.

SEC. VII. *Be it further enacted*, That the defendant may by proper pleadings raise issues of law or fact, legal or equitable, or both. Such issues of law must be raised by demurrer. All grounds of demurrer now existing by law or in equity may be used, when applicable to his case, by the defendant. Issues of fact may be raised by plea or answer which may be of a dilatory nature, or to the merits. These grounds of defense shall be such as are allowed at law or in equity. Defenses.

SEC. VIII. *Be it further enacted*, That pleas and answers may be demurred to as now provided by law, and if new matter is set up by defendant, not controverting the plaintiff's petition, the plaintiff, in proper cases, may be required by the court to re-set the same by appropriate written allegations. Demurrers to pleas or answers.
Ten day
tion.

SEC. IX. *Be it further enacted*, That nothing in this Act shall repeal or affect the mode of any special statutory proceedings now required by law, such as the foreclosure of liens and mortgages, proceedings to eject tenants and intruders, claims and illegalities, *mandamus quo warranto*, prohibition, *habeas corpus*, establishment of lost papers, petitions to the Judge of the Superior Court at chambers, or other special proceedings of like nature, nor any statutory form of action or declaration, nor any common law form of declaration now used. Special statutory proceedings.

SEC. X. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

 Pay of Jurors in Lunacy Cases.

PAY OF JURORS IN LUNACY CASES.

No. 475.

An Act to fix the pay of Jurors serving in cases of lunacy, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, that the pay of Jurors serving as such in trial of cases of lunacy in this State shall be one (\$1 00) per day.

SEC. II. *Be it further enacted*, That the Ordinaries of the several counties in this State, upon the trial of cases of lunacy, shall draw their warrant upon the County Treasurer in favor of each juror serving as such at such trial, for one (\$1.00) dollar for each day such juror shall serve, which amount the County Treasurer shall pay out of the funds in his hands levied to pay jurors, or any other fund not otherwise appropriated.

SEC. III. *Be it further enacted*, That all laws in conflict herewith be, and the same are hereby repealed.

Approved October 24, 1887.

Pay to be
one dollar
per day.

How to be
paid.

Appointment of a Board of Visitors to the University of Georgia.

TITLE VIII.

EDUCATION—PUBLIC.

Appointment, etc., of Board of Visitors to the University of Georgia.
Revising, Amending and Consolidating Common School Laws.

APPOINTMENT OF A BOARD OF VISITORS TO THE UNIVERSITY OF GEORGIA.

No. 313.

An Act to provide for the appointment of a Special Board of Visitors to the University of Georgia; to prescribe their powers and duties; to fix their compensation, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do hereby enact*, That the Governor shall annually appoint five experienced educators, citizens of the State, as a special Board of Visitors to attend the examinations at the University of Georgia, preceding the annual commencement, and to examine personally into the condition and management of said institution. Said visitors, or a majority of them, shall submit their report in writing, as soon thereafter as possible, to the Governor, in which they shall report upon the character of the examinations aforesaid, the condition and management of said institution, together with such suggestions and recommendations thereon as they may deem proper. Said reports shall be laid before the General Assembly by the Governor.

SEC. II. A majority of said Board shall constitute a quorum. Such visitors shall receive, as compensation for their services, four (\$4.00) dollars per diem, estimating from the date of leaving their homes, and mileage each way by the nearest practicable route to Athens, at the rate of three cents per mile. The whole service of said Board shall not exceed ten days.

SEC. III. That section 1201 of the Code of 1882, relating to the appointment of said Special Board of Visitors, and all other laws or parts of laws in conflict herewith are hereby repealed.

Approved October 13th, 1887.

REVISING, AMENDING AND CONSOLIDATING THE COMMON SCHOOL LAWS.

No. 587.

An Act to amend, revise and consolidate the Common School Laws of the State of Georgia, and for other purposes.

Preamble. WHEREAS, amendment, revision and consolidation of the present existing Common School laws of Georgia are advisable and necessary; therefore,

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That the Governor, the Attorney-General, the Secretary of State, the Comptroller-General, and the State School Commissioner, shall constitute the Georgia State Board of Education. Of this Board, the Governor shall be *ex officio* President, and the State School Commissioner, the Chief Executive Officer. The Clerk of the State School Commissioner, as hereafter provided for, shall be the Clerk of the State Board of Education. He shall be the custodian of its records, papers and effects, and keep minutes of its proceedings; and said records, papers and minutes shall be kept in the office of the Commissioner, and shall be open to inspection.

SEC. II. That the said Board shall meet, upon the call of its President, or a majority of its members, at the office of the State School Commissioner, at the Capitol, or at such other place as may be designated in the call. A majority of the Board shall constitute a quorum for transacting business.

SEC. III. That said Board may take and hold, to it and its successors, in trust for the State, any grant or devise of lands, or any donation or bequest of money or other personal property made to it for educational purposes, and shall forthwith place in the hands of the Treasurer of the State, for safe keeping, all moneys and personal property so received, and titles to land, taking therefor a receipt from said officer. When it is evidently the intention of the donor or deviser that the corpus of moneys thus received is not to be used, the General Assembly may, from time to time, invest said moneys in the name of the State; *Provided*, that all moneys obtained under this section, together with the profits accruing from their investment, shall be subject to use only for educational purposes. The Treasurer of the State shall pay to the order of the Board the income or principal thereof, as said Board may, from time to time, require in pursuance of law, but no disposition of any devise, donation or bequest shall

be made inconsistent with the conditions or tenor of the devise, donation or bequest. For the faithful keeping of all property or moneys so received by the Treasurer, he shall be responsible, upon his bond to the State, as for other funds received by him in his official capacity.

SEC. IV. That the State Board of Education shall procure a Seal. suitable seal, which shall be used for the authentication of the acts of the board and the important acts of the State School Commissioner.

SEC. V. That the State Board of Education shall constitute an ^{An advisory body.} advisory body, with whom the State School Commissioner shall have the right to consult when he is in doubt as to his official duty, and also a body in the nature of a court, to which appeals ^{An Appellate Court.} shall be from the decision of the State School Commissioner upon any question touching the construction or administration of the school laws, and the decision of the State Board, when rendered, shall be final and conclusive upon the matter in issue. Ap- ^{How an appeal must be made.} peals to the State Board must be made through the county commissioner, in writing, and must distinctly set forth the question of law, as well as the facts, in the case upon which the appeal is taken. Upon any question involving the construction or admin- ^{Decision.} istration of the school laws, the concurrence of a majority of the whole board shall be necessary in order to give validity to the decision.

SEC. VI. That the State School Commissioner shall be appointed ^{State Sch'l Commissioner's office.} by the Governor and confirmed by the Senate. A suitable office shall be furnished him at the seat of government, at which the books and papers relating to the business of said office shall be kept. He shall be charged with the administration of the school ^{General duties.} laws, and a general superintendence of the business relating to the common schools of the State. He shall prescribe suitable forms for the reports required of subordinate school officers and blanks for their guidance in transacting their official business, and shall, from time to time, prepare and transmit to them such instructions as he may deem necessary for the faithful and efficient execution of the school laws, and by whatsoever is thus communicated to them shall they be bound to govern themselves in the discharge of their official duty; *Provided, nevertheless,* there shall ^{Proviso.} always be an appeal from the State School Commissioner to the State Board of Education, as hereinbefore enacted.

SEC. VII. That it shall be the duty of the State School Commissioner to visit, as often as possible, the several counties of the State for the purpose of examining into the administration of the school law in said counties, of counseling with school officers, of delivering popular addresses, of inspecting school operations, and ^{His visits to the several counties.}

Revising, Amending and Consolidating the Common School Laws.

of doing such other acts as he may deem subservient to the interest of popular education.

SEC. VIII. That it shall be the duty of the State School Commissioner to disburse the common school fund in the following manner: He shall, annually, apportion equitably the State school revenue to the different counties of the State upon the basis of the aggregate of children between six and eighteen years of age in each county. After the annual apportionment of the State school fund has been made, and when the county school commissioner of any county shall give official notice to the State School Commissioner that the common schools of his county are within three weeks of closing, the latter named officer shall execute an order on the tax collector of the county in favor of the county school commissioner for the quota of the common school fund apportioned to the county, signing the order officially and affixing thereto his seal of office, and transmit the same to the county school commissioner.

SEC. IX. That the State School Commissioner shall send the notice of apportionment to the tax collector of each county as soon as the apportionment is made, and it shall be the duty of the tax collector to retain in his hands, of the taxes first collected, a sufficient amount to pay the sum mentioned as the county's quota in the notice of apportionment, and to pay the same to the county school commissioner as soon as the order of the State School Commissioner is presented.

SEC. X. That the Treasurer of the State shall receive the order of the State School Commissioner as cash in settling with the Tax Collector.

SEC. XI. The State School Commissioner shall see that the proper actions provided by law are brought against all officers and agents of the system who are liable to the same for misapplication of the School Fund, or other cause.

SEC. XII. That the State School Commissioner shall make a biennial report to the General Assembly, in which he shall present a statement of the condition and amount of all funds and property appropriated to the purpose of public education; a statement of the number of common and public schools of the various grades in this State; the number of scholars attending such schools, their sex, color, and the branches taught; a statement of the average cost per scholar of instruction under the common school system in each county; a statement of plans for the management, extension and improvement of the common schools; a statement of the number of children of school age in the State, with as much accuracy as can be ascertained; also a statement of the number of private schools and of colleges of different

kinds in the State; the number of pupils in such schools or colleges; their sex, branches taught, average cost per scholar of tuition in said schools and colleges; and, in order that he may be able to carry the foregoing into execution, he shall have a right to require of the county school commissioners to make such reports as he may prescribe upon the subject herein mentioned; and in default of complying, as far as may be practicable, with this requirement, the county school commissioners shall not be entitled to compensation for their official services. He shall also have the right to make the foregoing requirement of the President of the Board of Education, or the chief executive officer of any public school organization in this State, operating under any special law, and until the requirement is complied with, said organization shall not receive the *pro rata* part of the State School Fund to which it would be otherwise entitled.

Reports of
County
School
Comm'rs.

Or other
education-
al officials.

SEC. XIII. That the State School Commissioner shall be entitled to receive for his services the sum of two thousand dollars, annually, in quarterly installments. All his necessary traveling expense incurred in the performance of his official duties, and all postage and other expenses absolutely necessary, arising in his office, shall be paid by the State. He shall also be entitled to employ one clerk to aid him in his official duties. His clerk shall receive an annual salary of not exceeding twelve hundred dollars, to be paid quarterly. The salaries and other expenses named in this section shall be paid out of the State School Fund on Executive warrant. It shall also be the duty of said Commissioner to keep an itemized account of all expenses connected with his department, which account shall be audited by the State Board of Education.

Salary of
State Sch'l
Comm'r.

Clerk.

SEC. XIV. That before entering upon the discharge of his official duties the said Commissioner shall take and subscribe to the same oath required of other officers of this State.

Oath.

SEC. XV. That hereafter each and every county in the State shall compose one school district, and shall be confided to the control and management of a County Board of Education.

School
districts.

SEC. XVI. That the grand jury of each county (except those counties where the election of a County Board of Education is otherwise provided for by law) in this State shall, from time to time, select from the citizens of their respective counties five freeholders, who shall constitute the County Board of Education, three of whom shall be elected for two years and two for four years, but members of the Board chosen after the first election shall hold for the term of four years: *Provided, however,* that no publisher of school books, nor any agent for such publisher,

County
Board.

Proviso.

nor any person who shall be pecuniarily interested in the sale of school books, shall be eligible for election as a member of any Board of Education, or as County School Commissioner, in any county in this State.

Certificate of election. SEC. XVII. That whenever members of a County Board are elected, or appointed, in pursuance of the provisions of the above section, it shall be the duty of the clerk of the Superior Court to forward to the State School Commissioner a certified statement of the facts, under the seal of the court, signed officially by him, as evidence upon which to issue commissions, and the corresponding evidence of the election of a County Commissioner shall be the certified statement of the secretary *pro tem.* of the meeting of the Board at which the election was held.

Removal of Any member or members of a County Board of Education shall be removable by the Judge of the Superior Court of the county, on the address of two-thirds of the grand jury, for inefficiency, incapacity, general neglect of duty, or malfeasance or corruption in office; that the Judges of the Superior Courts in this State shall

Vacancies. have the power to fill vacancies, by appointment, in the County Boards of Education for the counties composing their respective judicial circuits, until the next session of the grand juries in and for said counties, when said vacancies shall be filled by said grand juries.

Officers of County Boards. SEC. XVIII. That the Board of Education shall elect one of their number President, who shall serve as such during the term for which he was chosen a member of the Board. The County School Commissioner shall be *ex officio* Secretary of the Board.

Quorum. A majority of the Board shall constitute a quorum for the transaction of business. It shall be the duty of said Secretary to be present at the meetings of the Board, and to record in a book, to be provided for the purpose, all their official proceedings, which

Secretary. shall be a public record, open to the inspection of any person interested therein; and all such proceedings, when so recorded, shall be signed by the President and countersigned by the Secretary.

Records.

Sessions. SEC. XIX. That it shall be the duty of the County Board of Education to hold regular sessions on the first Tuesday of the month succeeding the election and each three months thereafter at the court-house of the county for the transaction of business pertaining to the public schools, with power to adjourn from time to time, and in case of the absence of the President or Secretary, they may appoint one of their own number to serve temporarily. The members of the board shall be exempt from road, jury and militia duty, and shall receive no other compensation.

Exemptions of members of Board.

SEC. XX. That the County Boards shall lay off their counties

into sub-school districts, in each of which sub-school districts ^{Sub-school districts.} they shall establish one common school each for the white and colored races. Where the population of the two races is sufficient, which schools shall be as near the center of the sub-school districts as can be conveniently arranged, reference being had to any school-house already erected and population of said sub-school districts, and to the location of white and colored schools with regard to contiguity; *Provided, however*, that in such sub-school districts, where, owing to density of population, more than one school is demanded, then they may establish one or more additional schools in such sub-school district; *Provided*, that no such additional school or schools shall be allowed to exist unless it or they shall have an enrollment of not less than twenty-five scholars; *and provided also*, that whenever it becomes proper to lay off new sub-school districts or alter the boundaries of those already laid off, the said board shall have full power to make such changes as the public necessities may require. The said County Boards are also empowered to employ teachers, in the manner hereinafter pointed out, to serve in the schools under their jurisdiction, and the contracts for said service shall be in writing, signed in duplicate by the teacher, on his own behalf, and by the County School Commissioner on behalf of the board. ^{Additional schools.} ^{Changes of sub-districts.} ^{Teachers.} ^{Contracts with.}

SEC. XXI. That the County Boards of Education shall have power to purchase, lease or rent school sites; to build, repair or rent school-houses; to purchase maps, globes and school furniture, and to make all other arrangements of this kind necessary to the efficient operation of the schools under their care; and the said Boards shall also be, and are hereby invested with the title, care and custody of all school-houses, sites, school libraries, apparatus, or other property belonging to the sub-districts, as now defined, or as may hereafter be defined, in their several counties, with all power to control the same in such manner as they think will best subserve the interests of common schools; and when, in the opinion of the Board, any school-house site has become unnecessary or inconvenient, they may sell and convey the same in the name of the County Board of Education, such conveyance to be executed by the President or Secretary of said Board, according to the order of the Board. They shall have power to receive any gift, grant, donation or devise, made for the use of common schools within their respective counties, and all conveyances of real estate which may be made to said Board shall vest the property in said Board of Education and their successors in office. It shall also be the duty of said Board of Education to make arrangements for the instruction of the children of the white and colored ^{Powers of county b'd over school property, etc.} ^{Separate schools for white and colored children.}

racess in separate schools. They shall, as far as practicable, provide the same facilities for both races in respect to attainments and abilities of teachers and length of term-time; but the children of the white and colored races shall not be taught together in any common or public school of this State; and in respect to the building of the school-houses mentioned in this section, the said Board of Education may provide for the same, either by labor on the part of citizens of the sub-districts to be served, or by a tax on their property, as may be hereafter provided.

SEC. XXII. That the County Board of Education shall constitute a tribunal for hearing and determining any matters of local controversy in reference to the construction or administration of the school law, with power to summon witnesses and take testimony, if necessary; and when they have made a decision, said decision shall be binding upon the parties to the controversy; *Provided*, that either of the parties shall have the right to appeal to the State School Commissioner, and said appeal shall be made through the County Commissioner in writing, and shall distinctly set forth the question in dispute, the decision of the County Board, and the testimony, as agreed upon by the parties to the controversy, or if they fail to agree, upon the testimony as reported by the commissioner.

SEC. XXIII. That the County Board of Education shall prescribe, from time to time, what text-books and books of reference shall be used in the common schools of the county; *Provided*, that the Bible shall not be excluded from the common or public schools of the State; *and provided further*, that when such text-books are prescribed, they shall not be changed for five years thereafter, except by a three-fourths vote of all the board; *and provided further*, that the County Boards shall not be permitted to introduce into the schools any text or miscellaneous book of a sectarian or sectional character. No teacher shall receive pay for any pupil who is allowed to use any other than the prescribed text-books.

SEC. XXIV. That the County Boards of Education shall, from the citizens of their counties, select a County Commissioner of Education, who shall be *ex officio* county superintendent of common schools, and who shall hold his office for the term of four years. Before election, the applicants for position of County School Commissioner shall be examined by the President of the County Board of Education, or by some one appointed by him, or the board for that purpose, upon written or printed questions, which shall be furnished to the board by the State School Commissioner; said examination to be upon the subjects taught in the common

Powers of
co'ty b'ds
a school
court.

Appeal.

Text books
etc.

Bible.

Changes in

Sectarian
or section-
al books,
etc.

County
Commis'r.

Select'n of

schools, upon the science and theory of common school teaching and government, and upon such other subjects as the State School Commissioner may deem proper. The said County Board of Education shall then elect such applicant County School Commissioner who has stood satisfactory examination, taking into consideration the moral character, business qualifications and general availability of each applicant. The County School Commissioner, so elected, shall be required to give bond with good security, payable to the County Board of Education, ^{Bond.} conditioned upon the faithful performance of his duty under the law; the amount and sufficiency of the security to be judged of by the County Board of Education.

SEC. XXV. Before entering upon the discharge of his official ^{Oath.} duties, the said commissioner shall take and subscribe to the same oath required of other officers of this State.

SEC. XXVI. The County School Commissioner may be re-^{Removal.} moved from office before the expiration of his term by a majority vote of the Board of Education for inefficiency, incapacity, neglect of duty, or malfeasance or corruption in office; *Provided,* ^{Provido.} that any commissioner so removed shall have the right of appeal from the action of the County Board to the State School Commissioner and from the State School Commissioner to the State Board of Education.

SEC. XXVII. Should there be a vacancy in the office of ^{Vacancies.} County School Commissioner, by resignation or otherwise, an examination and election for the remainder of the vacant term shall be held in the same manner and by the same authorities as for that of a full term.

SEC. XXVIII. That the County Commissioners shall examine ^{Examina-} all applicants for licenses to teach in their respective counties, ^{tions of} giving previous public notice of the day upon which the examina- ^{teachers.} tions are to take place, and said commissioners shall be allowed to invite such persons as they may think proper to assist in these examinations. Applicants for license to teach in the common schools shall be examined upon Orthography, Reading, Writing, English Grammar, Geography, Arithmetic, and the science and practice of teaching in common schools. Said examinations shall ^{Time for.} be held throughout the State on a day or days to be fixed by the ^{Questions.} State School Commissioner, and by questions prepared and sent out by him to the County School Commissioners. The State School Commissioner shall also prepare and supply the County ^{Instruc-} School Commissioners with printed instructions as to grading ^{tions to} applicants, on and by a uniform grade, and shall fix the lowest ^{County} standard for each class of licenses. No applicant for teacher's ^{Commis-} license shall be examined on any other day than the one des- ^{sioners.}

igned as above prescribed, unless he or she will file with the County School Commissioner affidavit that he or she was providentially hindered from being present on the general examination day or days, and has not seen or been informed of the contents of the general question papers.

Grading of applicants. SEC. XXIX. It shall be the duty of the County School Commissioners, after thorough examination of the papers submitted by applicants for licenses as teachers, upon the examination conducted as prescribed in the preceding section, to grade the applicants according to the instructions furnished them by the State School Commissioner, submitting his report and recommendations thereon in writing to the County Board of Education, who shall grant to the applicants licenses of the first, second or third grade, to be determined by the qualifications exhibited and the standard attained; *Provided*, they shall obtain at least the lowest grade-mark fixed by the State School Commissioner for each grade; *and provided further*, that each applicant submits with his or her examination paper satisfactory evidence in writing of good moral character. A license for the first grade shall continue in force for three years; a license of the second grade for two years; and a license of the third grade for one year, which said license, shall entitle teachers holding them to be employed for and during the period of their licenses in any of the common schools of the county where issued. Licenses, to be good in another county than the one in and for which they are issued, must be endorsed by the County School Commissioner of the county in which the applicant desires to teach.

Licenses.

Proviso.

Moral character.

Duration of licenses.

Licenses to be good in other counties, how.

SEC. XXX. After passing upon the examination papers as hereinbefore provided, if, in the opinion of the County School Commissioner, any one or more of them exhibit unusual merit, he shall forward such papers to the State School Commissioner, together with his certificate of the good moral and professional character of the applicant, and if, in the opinion of the State School Commissioner, said papers exhibit a sufficient degree of merit, he shall issue a permanent teacher's license to the applicant, which license shall be good in any county of this State, and which shall only be revocable by the State School Commissioner for good and sufficient cause.

Unusual merit in examination.

Permanent license.

SEC. XXXI. That the County Commissioner shall have power, and it shall be his duty, to revoke license, granted by him or his predecessors, for incompetency, immorality, cruelty to pupils, or neglect of his duties, and the revocation of the license of any teacher shall terminate the connection of said teacher with any school which he may have been employed to teach; but any teacher so dismissed shall have the right to appeal to the County Board of Education, whose decision shall be final.

Revocation of Licenses.

SEC. XXXII. That the County Commissioner shall constitute the medium of communication between the State School Commissioner and the subordinate school officers; that he shall visit each school in his county at least once during the school term, or twice if practicable, and oftener if ordered by the Board, and without notice to the teachers, for the purpose of inspecting its management and the modes of instruction, and of giving such advice and making such suggestions as shall tend to elevate it in character and efficiency. He shall be the agent of the County Board in procuring such school furniture, apparatus and educational requisites as they may order to be purchased, and shall see that none but the prescribed text-books are used by pupils; that it shall be his duty to audit all accounts of teachers and others before an application is made to the County Board for an order for payment, and that the said County Commissioner shall procure a book, in which he shall keep a record of his official acts, which, together with all the books, papers and property appertaining to his office, he shall turn over on his resignation, or at the expiration of his official term, to his successor.

Duties of
County
Commissioners.Record of
his acts.

SEC. XXXIII. That the said County Commissioner shall receive such compensation as the County Board may allow him, not to exceed three dollars per day, to be determined by the County Board of Education, for each day actually employed in the discharge of his official duties, the same to be paid out of the educational fund furnished to the county. His claim for services shall be presented in the form of an account against the County Board of Education, and shall be verified by affidavit to the effect that the said account is just and true; that the service therein named was honestly and faithfully rendered, and that the sum therein claimed is rightfully due and remains unpaid. When said account shall have been duly audited and approved by the County Board, the said commissioner shall retain his pay out of the revenue aforesaid: *Provided*, that the County Board of Education shall determine the number of days in each year in which said County Commissioner may labor in the performance of the duties required of him.

Compensation.

Proviso.

SEC. XXXIV. That it shall be the duty of the teachers to make and file with the County Commissioners, at the expiration of each term of school, a full and complete report of the whole number of scholars admitted to the school during said term, distinguishing between males and females and colored and white, together with the names thereof, and the entire and the average attendance, the branches taught, the number of pupils engaged in the study of each of the said branches, and such other statistics as he or she may be required to report by the County Commissioner, or by the State School Commissioner; and until such report shall have been prepared, sworn to and filed by said teach-

Teachers' reports.

er, as aforesaid, it shall not be lawful for said County Commissioner to audit the account of said teacher for his or her services.

School
property
exempt
from tax-
ation or
sale under
execution.

Proviso.

SEC. XXXV. That each and every lot or parcel of land which has been, or may be hereafter, obtained by purchase, or in any other way, by any County Board of Education, for the use of common schools, together with any school building that may have been or shall be erected thereon, and all school furniture shall be exempt from all taxes, State and county, and from levy and sale under any execution or other writ or order in the nature of an execution: *Provided*, that the lot of land so exempted shall not exceed four acres, and if there be any excess over that number of acres, then that portion, not to exceed four acres, most convenient for school purposes shall be exempt as aforesaid, the exempted portion to be set off by order of the County Board.

Free tuition.

Proviso.

SEC. XXXVI. That admission to all common schools of this State shall be gratuitous to all the children between the ages of six and eighteen years, residing in the sub-districts in which the schools are located; *Provided*, that colored and white children shall not attend the same school, and no teacher receiving or teaching white and colored pupils in the same school shall be allowed any compensation at all out of the Common School Fund. In special cases, to meet the obvious demands of convenience, children residing in one sub-district may, by express permission of the County Board, attend the common schools of another sub-district; and when a common school is located near a county line, children from an adjoining county, in cases where convenience requires, may, by the concurrent consent of the County Boards of the respective counties, be permitted to attend the school, and in such cases the teacher shall make out two accounts for his services, one against each County Board, in amount proportioned to the number of children in the school from the respective counties.

Attend-
ance from
other dis-
tricts and
counties.

Manual
Labor
Schools.

SEC. XXXVII. That the County Board of Education shall have power to organize in each county one or more manual labor schools on such a plan as shall be self-sustaining: *Provided*, that the plan be first submitted to, and approved by, the State Board of Education.

Evening
schools.

SEC. XXXVIII. That the Board of Education of any county shall have the power to establish, at such places as they may deem proper, within the limits of their jurisdiction, a suitable number of evening schools for the instruction of such youth, over twelve years of age, as are prevented by their daily avocations from attending day schools, subject to such regulations, not inconsistent with the provisions of this Act, and the instructions issued under it by the State School Commissioner, as said board, from time to time, may adopt for the government thereof.

Academic
year.

SEC. XXXIX. That the academic and calendar or civil years shall be coincident, and that it shall be the duty of the State School Commissioner, by the 15th day of January of each year,

or as soon thereafter as practicable, to communicate to the County Board of Education of each county an approximate estimate, computed upon the same basis as that mentioned in section eight of this Act, of the *pro rata* part of the State School Fund falling to said county for that year, and as soon thereafter as the said County Board shall communicate satisfactory evidence to the State School Commissioner that arrangements have been made by them, by taxation or otherwise, for continuing the common schools, free to all, in operation for at least three months in the year throughout the entire county, as hereinafter provided, said county shall be deemed and held entitled to draw her proportionate part of the State fund, through the appointed channels, whenever said fund is ready for distribution.

Estimate
of *pro rata*
of school
fund.

When
counties
entitled to
draw.

SEC. XL. That whenever a County Board of Education, or Board of Education of any city, shall hereafter fail in any year to make arrangements to put schools in operation, said county or city, as the case may be, shall forfeit all right to participation in the school fund of that year, unless the failure to arrange for schools was from providential cause, or other good and sufficient reason, the sufficiency of the reason to be judged of by the State Board of Education.

Failure to
arrange for
schools.

SEC. XLI. That any county or city which has failed to put schools in operation in any past year, and has never received its *pro rata* part of the State School Fund for that year, shall still be entitled to receive, through the properly constituted authorities of the county or city, that *pro rata* : *Provided*, that the County School Commissioner of such county shall receive no compensation from the school fund of said county for such year, except for services rendered in taking the enumeration of the school population.

Past *pro
rata* not
received.

Proviso.

SEC. XLII. That the apportionment of the State School Fund required by the eighth section of this Act shall be made by the State School Commissioner each year by the first of July, or as soon thereafter as practicable, and when the funds drawn under that apportionment, as well as any other fund raised by local taxation, are placed in the hands of any County Commissioner, he shall be holden for all amounts so received on his official bond as Treasurer, and shall disburse the same only upon the order of the County Board of Education, and the said County Commissioner shall not be entitled to compensation for receiving any school funds but as herein provided.

Time of ap-
portion-
ment.

Disburse-
ments by
County
Commis-
sioners.

SEC. XLIII. That for the support and maintenance of the common schools of this State the poll tax, special tax on shows and exhibitions, all taxes on the sale of spirituous and malt liquors, dividends upon the stock of the State in the Bank of the State of Georgia, Bank of Augusta, Georgia Railroad and Banking Company, and such other means or moneys as now belong by law to the Common School Fund, and one-half of the proceeds

School
fund.

Revising, Amending and Consolidating the Common School Laws.

of the rental of the Western and Atlantic Railroad, or one-half the annual net earnings of said railroad, as ascertained by subtracting the annual cost of running and keeping up the road from the annual gross receipts, under any change of policy which the State may adopt hereafter in reference to said railroad; all endowments, devises, gifts and bequests made, or hereafter to be made, to the State or State Board of Education; the proceeds of any commutation tax for military service; all taxes that may be assessed on such domestic animals as from their nature and habits are destructive to other property; all money received by the Agricultural Department of this State for the inspection of oil and fertilizers in excess of what may be necessary to defray the expenses of said Agricultural Department; the net amount arising from the hire of convicts of this State, after all expenses that are now or may hereafter be made a charge upon said fund shall have been deducted from the gross amount thereof; any educational fund now belonging to the State (except the endowment of and debt due to the University of Georgia); and such other sums of money as the Legislature shall raise by taxation or otherwise from time to time for educational purposes, are hereby declared to be a Common School Fund: and when said Common School Fund shall be received and receipted for, from whatever source received, it shall be the duty of the officer authorized by law to receive such fund to keep the same separate and distinct from other funds, and said funds shall be used for educational purposes, and none other, and shall not be invested in bonds of this State, or in other stock, except when investment is necessary to carry out the conditions of an endowment, devise, gift or bequest; and when taxes are paid into the treasury of the State, the Comptroller-General shall in no case receipt a tax collector for the same until that part of the tax so paid in, which was raised for school purposes, is separated in amount from the gross amount paid in.

Invest-
ments of.

Poll tax as
part of.

SEC. XLIV. That all poll tax collected in this State shall, from and after the passage of this Act, be paid over to the County School Commissioners of the several counties of this State, and be, by the County Board of Education in the several counties of this State, paid out, without any deduction for fees or salaries of officers, to the support of the common schools in the respective counties where said poll tax was raised; that when the tax collector of each county makes out *fi. fas.* for unpaid taxes, it shall be his duty to make out separate *fi. fas.* for poll tax against each defaulter, specifying in each *fi. fa.* that it is for poll tax for that year, and shall at once turn them over to the County School Commissioner of his county, taking his receipt therefor, and shall at the same time furnish the President of the County Board of Education with a list of the *fi. fas.* so turned over. The County School Commissioner shall be charged with the collection thereof, and to this

end may place said *fi. fas.* in the hands of such constables of his county as he may deem proper, who shall collect the amounts due thereon in the same manner now prescribed by law for the collection of the State and county taxes.

The constables, for collecting such *fi. fas.* shall receive the fees now allowed by law; but the County School Commissioners shall not receive any extra compensation for their services in superintending and attending to the collection of said *fi. fas.*; when such *fi. fas.* have been paid off or satisfied, they shall at once be returned to the tax collector.

SEC. XLV. That County School Commissioners and members of the County Boards of Education shall be empowered and authorized to administer such oaths as may be necessary in transacting school business, or in conducting investigations before the County Boards, when sitting as judicial tribunals for determining controversies arising under school laws. County school officials may administer oaths.

SEC. XLVI. That it shall be the duty of the County School Commissioner of each of the counties of this State to make a report of the school operations of the preceding year to the grand jury, at the spring term of the court, and to place his books before them for examination, and in making up the general presentments, it shall be the duty of the jury to take proper notice of the matters thus brought to their attention. Report of County Commissioners.

SEC. XLVII. That it shall be the duty of the County and City Boards of Education of this State to cause an enumeration of the children between six and eighteen years of age to be made, under instructions from the State School Commissioner, in the year 1888, and every ten years thereafter, as hereinafter prescribed. In the year 1893, and every ten years thereafter, it shall be the duty of the State Board of Education, in the early part of the year, to have an estimate made from the last census, taken by the authority of the United States, of the number of children of school age in each county of this State, and in each town or city under a local school law, and if, from the evidence thus obtained or from other evidence of any kind, the said Board shall become satisfied that a new enumeration of the school population ought to be taken for any county or counties, or for any town or city, or for the entire State, it shall be their duty to order the said enumeration to be taken accordingly. Enumeration of school children.

SEC. XLVIII. The different County or City Boards shall employ one or more competent, reliable persons to take the enumeration above mentioned in their respective jurisdictions, and the persons so employed shall go from house to house, making a thorough canvass of the territory assigned them, taking the number of children between the ages of six and eighteen years, and distinguishing between the sexes and races. The persons thus employed shall be known as Enumerators of the School Census, and shall How taken. Enumerators.

take and report any additional statistics required by the State School Commissioner. They shall receive as compensation a *per diem* not to exceed two dollars in the counties, or two dollars in the cities, or in city and county where the same are under local laws, to be paid out of the School Fund of the jurisdiction in which the work is done. They shall moreover be required to make oath that the work done by them has been carefully and faithfully done according to the true intent and meaning of this Act, the form of the oath to be prescribed by the State School Commissioner: *Provided*, that nothing herein contained shall be construed to prevent the County Boards from employing the County School Commissioners to do the work contemplated in this section.

SEC. XLIX. The State Board of Education is hereby empowered to order at once a new enumeration when they are in doubt as to the accuracy of the return made from any county or city; but the enumerators first making their return shall receive no compensation in case it is found their enumeration was not correct. In case their enumeration is verified by the second enumeration, then both shall be paid, but the amount paid them shall be deducted from the School Fund appropriated to this special territory.

SEC. L. The respective County or City Boards are hereby empowered to fix, within the limits prescribed above, the *per diem* compensation of the enumerators of the school census employed by them.

SEC. LI. That whenever the Board of Education of any county within this State shall have entered into a contract with a teacher to teach a common school in any sub-district within its jurisdiction, in accordance with this Act, it shall be lawful for said teacher to enter into a supplemental contract with the patrons of said school to teach a private elementary school in connection with said common school, and to embrace the period allowed by law for the said public term; *Provided*, that the contracting with teachers under the provisions of this Act shall be left to the discretion of the several County Boards of Education.

SEC. LII. That upon said private supplemental contract being examined and approved by the Board of Education of the county in which said common school is located, it shall be the duty of said teacher to enter, as pupils in said private school; all scholars of common school age, regard being had to separate schools, as now required by law, who may enter said school at any time within the term or scholastic year of said private school. It shall be the duty of said teacher to keep an accurate account of the number of such pupils and the number of days actually attended by each pupil, and when said private school shall have closed, said teacher may make out an account against the County

Board of Education for the full number of days each of said pupils may have attended said schools, not to exceed the whole number of days now or hereafter to be prescribed by law; *Pro-Provided*, that nothing in this Act shall be so construed as to prevent any common school scholar from entering said school as pupil, if the parent or guardian of said pupil shall elect to enter him or her for the period of the public term and upon the merits of the common school fund only.

That no teacher shall be contracted with under the provisions of this Act until he or she has been duly licensed as a common-school teacher. That every teacher contracted with under the provisions of this Act shall be required to make the same reports and returns to the County School Commissioners as are now required of teachers of common schools in this State, and until said private schools shall have been taught according to contract, and said reports and returns are so made, it shall not be lawful for the Board of Education to pay him or her for such services as such teacher.

SEC. LIII. That nothing in this Act shall be so construed as to prevent any city with a population greater than two thousand inhabitants, or any county or town under authority of the General Assembly of this State, from organizing a public school system independent of this system, or to prevent the said independent organization from drawing its *pro rata* share of all educational funds raised by the State; *Provided*, the chief executive officer of such independent organization shall make the same regular reports to the State School Commissioner as are required from the County Commissioners by this Act; *Provided further*, that nothing contained in this Act shall be construed to annul or repeal any local law now of force in any city or county in this State providing for the organization and maintenance of the common or public schools in such city or county.

SEC. LIV. That the Public School Act, approved August 23, 1872, and the various Acts amendatory thereof, and all and every other law inconsistent or conflicting with the provisions of this Act, be, and the same are hereby repealed.

Approved October 27, 1887.

Surgeon for Each Light Battery of Artillery.

TITLE IX.

MILITARY.

ACTS.

Surgeon for each Light Battery of Artillery.
Amending general law as to Volunteer Troops.

SURGEON FOR EACH LIGHT BATTERY OF ARTILLERY.

No. 284.

An Act to provide for the appointment and commissioning of a Surgeon for each Light Battery of Artillery of Volunteers.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, there may be attached to each Light Battery of Artillery a surgeon with the rank of first lieutenant.

Surgeon
with rank
of First
Lieutenant

SEC. II. *Be it further enacted,* That the surgeon of any Light Battery shall be nominated to the Governor of this State by the captain or commanding officer of such Light Battery of Artillery, and upon the receipt of the nomination, together with the acceptance in writing by the nominee, the Governor shall cause a commission as first lieutenant to be issued to such surgeon, with orders to report for duty to such Light Battery of Artillery.

How nomi-
nated.

Commis-
sion.

SEC. III. *Be it further enacted,* That all laws or parts of laws conflicting herewith are repealed.

Approved October 5th, 1887.

AMENDING GENERAL LAW AS TO VOLUNTEER TROOPS.

No. 331.

An Act to amend an Act entitled an Act to amend an Act to provide for the better organization, government and discipline of the volunteer troops of this State, and to repeal all that part of the Code of Georgia, consisting of Articles II. and III. of Chapter II., Title XII., Part I., and comprising all those sections numbered from 1075 to 1103, both inclusive, in the Revised Code of 1873, relating to the volunteer troops of the State, and for other purposes connected therewith, approved October 16th, 1879, and now embraced in Code of 1882, comprising all those sections in said Code numbered from 1103 (*a*) to 1103 (*rr*), both inclusive, approved October 13th, 1885, by conferring upon the Advisory Board, provided for in said Act, the power, by and with the approval of the Governor, to increase the number of companies allowed in the first section of said Act, beyond the number therein limited, according to the circumstances and exigencies of the case, and when such increase may, in the discretion of such Advisory Board, be practicable and desirable.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That Section I. of the above recited Act be amended by adding to the end of said section the following additional proviso: "*Provided further*, that the numbers of companies comprising the volunteer forces may from time to time be increased, by and with the approval of the Governor, by the Advisory Board provided for in Section XXII. of this Act, whenever, in the discretion of said Advisory Board, such increase may be practicable and desirable. Such increase may be made in any or all of the classes of the Georgia Volunteers, and in any or all of the classes of the troops of the Georgia Volunteers, Colored, under the circumstances above named," so that such section when amended shall read: "Section I. *Be it enacted by the General Assembly*, That the first section of said Act, Code Section 1103 (*a*), is hereby stricken out, and in lieu thereof the following is inserted, so that said Section I. shall read as follows: The volunteer forces of this State shall be the active militia of this State, shall consist of infantry, cavalry and artillery, of which the white commands shall be known and designated as the Georgia Volunteers, and the colored commands as the Georgia Volunteers, Colored. The Georgia Volunteers shall consist of not exceeding fifty companies of infantry, seven companies of cavalry and three companies of

Sec. 1st of
Act of Oct.
16, 1879,
amended.

Increase of
number of
companies

How made.

Section as
amended.

Amending General Law as to Volunteer Troops.

artillery, and the Georgia Volunteers, Colored, of not more than twenty companies of infantry, one of cavalry and one of artillery. The Governor, as commander-in-chief, shall, as soon as possible in his discretion, proceed to organize the volunteer forces aforesaid by designating what companies now existing shall form part of the same, and shall disband all commands in this State not made a part of said force by general orders, and call in the guns, arms and equipments of same belonging to the State: *Provided, however*, that any command which existed prior to the 16th day of October, 1880, which may elect to maintain itself if not made a part of said force, and shall otherwise conform to the laws of this State in this regard, shall remain intact in addition to said volunteer forces hereby organized, but shall be under the same regulations as said volunteer forces as independent commands respectively: *Provided, further*, that the members of said companies comprising the volunteer forces may from time to time be increased, by and with the approval of the Governor, by the Advisory Board provided for in Section XXII. of this Act, whenever, in the discretion of said Advisory Board, such increase may be practicable and desirable. Such increase may be made in any or all of the classes of troops of the Georgia Volunteers, or in any or all of the classes of troops of the Georgia Volunteers, Colored, under the circumstances above named."

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15th, 1887.

TITLE X.

MISCELLANEOUS.

ACTS.

Protection of cemeteries to provide bodies for scientific purposes, etc.
 Incorporation of Manufacturing and Mining Companies as Savings Banks.
 Use or borrowing of property of corporations by their officers or agents.
 Issue, etc., of bonds to pay Public Debt.
 Illegal sale of opium.
 Rejection of bids for Public Printing, etc.
 Regulating capture of terrapins.
 Ceding jurisdiction to United States over certain land in Augusta.
 Ceding jurisdiction to United States over certain land in Savannah.
 Inspection of county jails.
 Time for cutting turpentine boxes.
 Transportation of lumber and naval stores.
 Fixing salary of Sheriff of Supreme Court.
 For establishing line between Georgia and Tennessee.
 Opinion of Supreme Court to be transmitted to lower court in certain cases.
 Settling disputed county lines.
 Interference with employees.
 Regulating and defining Fidelity Insurance.
 Inspection and sale of naval stores.
 Reception and transmission of telegraphic dispatches.
 To remedy loss or mutilation of public records.
 Regulating the business of Insurance in this State.

PROTECTION OF CEMETERIES TO PROVIDE BODIES FOR
SCIENTIFIC PURPOSES, ETC.

No. 127.

An Act for the protection of cemeteries and burying-places in this State, and to prevent and punish the unauthorized use of and traffic in dead human bodies, and for the promotion of medical science by the distribution and use of unclaimed dead human bodies for scientific purposes through a board created for that purpose, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact.* Board for distribution of certain human bodies
 That the professors of anatomy, the demonstrators of anatomy and the deans of medical and dental schools and colleges of this

Protection of Cemeteries, to Provide Bodies for Scientific Purposes, etc.

State, which are now or may hereafter become incorporated under the laws of this State, shall be, and are hereby constituted a board for the distribution and delivery of dead bodies hereinafter described to and among such institutions as are under the provisions of this Act entitled thereto. The professor of anatomy in the medical department of the University of Georgia, at Augusta, shall call a meeting of said board for organization, at Atlanta, Ga., at a time to be appointed by him, within thirty (30) days after the approval of this Act. The said board shall have full power to establish rules and regulations for its government, and to appoint and remove its officers, and shall keep full and complete minutes of its transactions, and records shall also be kept under its direction of all bodies received and distributed by said board, and of the persons or institutions to whom the same may be distributed, which minutes and records shall be open at all times to the inspection of each member of said board, and of any Solicitor-General or Solicitor of any City or County Court in this State.

SEC. II. That all public officers of this State and their assistants, and all officers and their deputies of every county, city, town or other municipality, and of any and every prison, chain-gang, penitentiary company, morgue, public hospital in this State, having charge or control over any dead human body or bodies, not dead from any contagious or infectious disease, and required to be buried at public expense, are hereby required to notify the said board of distribution, or such person or persons as may from time to time be designated in writing by said board, or its duly authorized officer whenever any such body or bodies come into his or their possession, charge or control, and shall, without fee or reward, deliver such body or bodies, and permit and suffer the said board and its duly authorized agents, who may comply with the provisions of this Act, to take and remove all such bodies, to be used only within this State, solely for the advancement of medical science; *Provided*, that no such notice shall be given, nor shall any such body or bodies be delivered, if any person claiming to be and satisfying the authorities in charge of said body or bodies that he or she is of any degree of kin, or is related by marriage to, or socially or otherwise connected with and interested in the deceased, shall claim the said body or bodies for burial, but it or they shall be at once surrendered to such person for interment, or shall be buried at public expense at the request of such claimant, if a relative by blood or a connection by marriage, provided he or she is financially unable to supply such body or bodies with burial.

And provided further, that such notice shall not be given or such bodies be delivered if the deceased person was a traveler who died suddenly, in which case said body shall be buried.

And provided further, that such body or bodies shall in each

Protection of Cemeteries, to Provide Bodies for Scientific Purposes, etc.

and every instance be held and kept by the person or persons having charge or control of it or them at least twenty-four (24) hours after death, before delivery to said board or its agent or agents, during which period notice of the death of such person or persons shall be posted at the court-house door of the county in which said body or bodies are held.

Bodies to be kept certain time before delivery.

Notice of death to be posted.

SEC. III That the said board, or its duly authorized agent, may take and receive such bodies, so delivered as aforesaid, and shall, upon receiving them, distribute them to and among the aforesaid schools or colleges, for lectures and demonstrations by said schools or colleges, the number assigned to each to be based upon the number of *bona fide* students in each dissecting or operative surgery class, which number of students shall be reported by the said schools or colleges to the board at such times as it may direct; *Provided*, that said schools or colleges, upon receiving them and before any use is made of them, and without unnecessary mutilation or dissecting, shall cause them to be properly embalmed and carefully preserved and kept for a period of sixty days from the day of their reception, and shall deliver them properly prepared for burial to any person mentioned and described in Section II. of this Act, who shall claim such body for burial, within or before the expiration of said period of sixty days and satisfy the officers of said school or college that he or she is such person as is under said Section II. entitled to said body. If, at the expiration of said sixty days, said body or bodies have not been claimed for burial, in the manner and by the person or persons herein described, said bodies shall then be used for the purposes specified in this Act by said schools or colleges; *and provided further*, that when said bodies have been so used and are no longer needed or serviceable for the objects herein mentioned, they shall be decently interred by the said schools or colleges.

Rule of distribut'n

Proviso.

Bodies to be kept, how long.

Interment after use.

SEC. IV. The said board may employ a carrier or carriers for the conveyance of said bodies, which shall be well enclosed in a suitable encasement and carefully deposited free from public observation. Said carrier or carriers shall obtain receipts by name, or if the person be unknown by a description for each body delivered by him, and shall deposit said receipts with the secretary of said board, who shall record and preserve the same.

Regulations as to conveyance of bodies.

SEC. V. No school or college shall be allowed or permitted to receive any such body or bodies until a bond shall have been given to the Governor of this State, and his successors in office, by or in behalf of such school or college by its authorized officers, to be approved by the Clerk of the Superior Court of the county in which said school or college may be situated, and to be filed in office of said clerk, which bond shall be in the sum of \$5,000, conditioned that said body or bodies, which the said school or college shall receive there after shall be used only in the

Bond to be given.

Protection of Cemeteries, to Provide Bodies for Scientific Purposes.

manner herein prescribed and only for the promotion of medical science within this State. Suits thereon shall be brought by the Solicitor-General of the circuit in the name of the Governor, the recovery thereon to be used as a part of the educational fund of the State.

Illegal
traffic in
human
bodies, etc.

Penalty.

SEC. VI. That whosoever shall sell or buy such bodies, or any other dead human body, or in any way traffic in the same, or shall transmit or convey, or procure or cause to be procured, to be transmitted or conveyed, such body or bodies, or any other dead human body, to any place outside of this State for purposes of sale or dissection, shall be guilty of a felony, and shall on conviction thereof be punished by imprisonment and hard labor in the penitentiary of this State not less than one nor more than ten years.

Illegal re-
moval of
from grave

Penalty.

SEC. VII. That whosoever shall remove the dead body of a human being from any grave, or other place of interment, or from any vault, tomb, sepulchre, or from any other place, for the purpose of selling or dissecting the same, or from mere wantonness, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment and hard labor in the penitentiary not less than one nor more than ten years, and any person who shall receive or purchase any dead human body, knowing it to have been so disinterred or removed from any tomb, vault or sepulchre, or such other place, for the purpose aforesaid, shall on conviction thereof receive the same punishment.

Expenses
under this
Act, how
borne.

SEC. VIII. Neither the State, nor any county or municipality, nor any officer, agent, or servant thereof, shall be at any expense by reason of delivery or distribution of any such body or bodies, but all the expenses thereof shall be paid by those receiving the body or bodies in such a manner as may be specified or fixed by said board.

Omission
to perform
duties
under this
Act.

SEC. IX. That any person having duties enjoined upon him by the provisions of this Act, who shall neglect, refuse or omit to perform the same as hereby required, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in Section 4705 of the Code of this State.

SEC. X. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved August 3rd, 1887.

INCORPORATION OF MANUFACTURING AND MINING COMPANIES
AS SAVINGS BANKS.

No. 141.

An Act to authorize manufacturing and mining companies to become incorporated as savings banks; to prescribe the manner of such incorporation; to define the powers and liabilities of such companies when so incorporated; to secure by lien and define the rights of depositors therein; to fix the rate of interest to be paid depositors, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia.* That any manufacturing or mining company, under the laws of this State, with property of the value of twenty-five thousand dollars, over and beyond its lien or secured debts, upon request of a majority of the stock voting at an annual or called meeting, may and shall be incorporated and authorized to do a savings bank business upon the President thereof filing a petition for a charter as a savings bank, which said petition shall be sworn to by said President before a Judge of the Superior or City Court of this State, and shall set forth the vote applying for said franchise, the amount of stock actually paid in, the cost and present value of its real estate, the cost and present value of any and all buildings, fixtures and improvements thereon, the cost and present value of all machinery used and employed by said company, the amount of insurance upon the buildings, fixtures, machinery and improvements of said company, the value of the property of said company over and beyond its lien or secured debts, the total indebtedness of said company and the character and amount of all lien or secured debts.

What corporations covered by the Act.

Stockholders must authorize.

Proceedings for charter.

What to contain.

SEC. II. *Be it further enacted,* That upon said petition so sworn to being filed with the Secretary of State and showing therein under the oath of the President that the said company owns and possesses property of the value of twenty-five thousand dollars over and beyond its lien or secured debts, the Secretary of State shall issue to said company, under the great seal of the State, a certificate substantially as follows:

Certificate of incorporation.

To all whom these presents may come, Greeting: Whereas, _____, incorporated under the laws of this State, having filed a petition for savings bank franchises in terms of the law, and it appearing from the oath of the President thereto that said company owns and possesses property of the value of twenty-five thousand dollars over and beyond its lien or secured debts, and having complied with requirements of the law in such cases made and provided: Therefore, by virtue of the Act of the General Assembly, the State of Georgia hereby grants to

Form of.

Incorporation of Manufacturing and Mining Companies as Savings Banks.

full authority to exercise the powers and privileges of a savings bank, and to do a savings bank business in terms of the law in such cases provided, all depositors in such savings bank to have a first lien on the property of said company as provided by law subject to such liens as exist at the date hereof and to all taxes. In witness whereof, these presents have been signed by the Governor and Secretary of State, at Atlanta, and the great seal of the State attached thereto, this ——— day of ———, 18—

General powers. And thereupon said company shall be a corporation to do a savings bank business with the powers and subject to the liabilities in this Act contained. A copy of said petition and certificate shall be recorded in the office of the Clerk of the Superior Court of the county in which said company's principal office is located within thirty days after said certificate has been issued.

Record of petition and certificate.

Banking powers, etc. SEC. III. Upon the issuance of said certificate said company, in addition to its chartered powers as a manufacturing or mining company, shall have power to receive money on deposit; to pay interest as may be agreed on therefor; to use or lend said money; to issue bank books, certificates of deposit; to lend said money on such security as it may deem fit, whether real or personal; to make by-laws for the government of its savings bank department; to require notice of not more than three months to be given before it shall be required to pay a depositor; to allow the money so deposited to be drawn out by check or draft; but nothing in this Act shall be held or taken to authorize said company to do a general banking or discount business.

Not to do general banking or discount business.

Limit of deposits. SEC. IV. *Be it further enacted*, That said company shall be required to receive on deposit any sum not less than ten cents and not more than one thousand dollars; but no person shall be allowed to have or keep on deposit at any one time more than one thousand dollars, except when the excess beyond the sum is due to interest accrued or due, or added to the sum on deposit as accrued interest or as interest on interest accrued and added.

Farther as to said limit. SEC. V. *Be it further enacted*, That it shall be unlawful for said company to receive or have on deposit from any one person more than one thousand dollars, or to pay interest on the same, except as provided in the preceding section.

Deposits by married women and minors. SEC. VI. *Be it further enacted*, That married women and minors shall be allowed in their own names to deposit money in said savings bank, and the money so deposited shall not be subject to the control of any husband, parent, guardian or trustee, but may be drawn or checked out by the married women or minors depositing the same

Lien of depositors. SEC. VII. *Be it further enacted*, That subject to liens existing at the date of the issuance of the certificate and petition hereinbefore referred to, and to any and all taxes for State, county or municipal purposes, each and every depositor therein shall have a first lien upon all real estate, machinery and improvements of

Incorporation of Manufacturing and Mining Companies as Savings Banks.

said company owned at the date of said petition, and upon all additions thereto subsequently made or acquired, and upon any and all insurance money received in case of fire, provided the same is not re-invested in similar property to which the lien hereby given shall attach. In case of the insolvency assignment, bankruptcy, dissolution or forfeiture of said company, said depositors shall each and all have a lien upon all the assets, moneys, notes, books, accounts and choses in action and other personal property of every sort, and the lien provided for in this section may be foreclosed or enforced by appropriate proceedings by bill in equity to which one or more depositors may be party. Enforcement of.

SEC. VIII. *Be it further enacted*, That said company shall be authorized to pay interest on deposits at a rate to be agreed on not less than four per cent. nor more than eight per cent. But no interest shall be paid on deposits left for less than three months, except by special contract. The same rate of interest shall be paid all depositors without discrimination, and on the first days of July and January of each year successively, the interest due shall be credited to the depositor's account and itself bear interest. Said company may change the rate of interest to be paid by written notice posted in its savings bank office every six months, the rate of interest in no case to be less than four per cent. nor more than eight per cent. Rate of interest.
Same rate paid all.
Change of rate.

SEC. IX. *Be it further enacted*, That such companies are hereby authorized to make rules and by-laws for the government of banking business not inconsistent with law; to define the duty of their officers; to require bond and security; to fix place or places where deposits will be received; to change the same; to print and circulate matter encouraging saving, and generally to do and perform such acts and things needful or necessary in the prosecution of said business not inconsistent with law. Rules, etc., governing banking business.

SEC. X. *Be it further enacted*, That no company doing a savings bank business under the provisions of this Act shall receive on deposit any sum after the amount of deposits actually on hand are equal in amount to the value of its property beyond its secured debts at the date of the deposit offered. Said savings bank shall be subject to all the provisions of the general banking law of this State so far as applicable to the banking business done by said savings bank. Must cease to receive deposits, when.
Subject to general banking law.

SEC. XI. *Be it further enacted*, That as to deposits made, the statute of limitations shall not apply until demand is made by check or in writing for the sum on deposit, and all unclaimed sums, when the depositor is dead without heirs, or for other cause said deposit is not called for, shall be subject to such disposition as may by law be provided. Statute of limitations as to deposits.
Unclaimed sums.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 2d, 1887.

Use or Borrowing Property of Corporations, their Officers or Agents.—Issue Bonds to Pay Public Debt.

USE OR BORROWING OF PROPERTY OF CORPORATIONS BY THEIR OFFICERS OR AGENTS.

No. 147.

An Act to prevent officers or agents of banks or other corporations from using or borrowing any money or other property of said banks or other corporations without the permission of the Board of Directors; to provide a penalty for a violation of this Act, and for other purposes.

SECTION I. *Be it enacted*, That from and after the passage of this Act, it shall be unlawful for any officer or agent of any bank or other corporation to use or borrow for himself, directly or indirectly, any money or other property belonging to any bank or other corporation of which he is an officer or agent without the permission of a majority of the Board of Directors, or of a committee of the board authorized to act, and said agent or officer so offending, or any other officer or agent of the same corporation loaning money or property of the said corporation to another agent or officer thereof without the permission of a majority of the Board of Directors, or of a committee authorized to act, shall be held guilty of a misdemeanor, and on conviction shall be punished as prescribed in 4310 of the Code; *Provided*, that nothing herein shall be held to relieve any officer so offending from the pains and penalties of any other violation of the penal laws of this State when the same is committed by means of using or borrowing the property of said corporation without the permission herein required.

Use or borrowing for personal use prohibited.

Except by authority of whom.

Penalty.

Other penal laws not affected.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved September 5th, 1887.

ISSUE, ETC., OF BONDS TO PAY PUBLIC DEBT.

No. 152.

An Act to authorize the Governor of this State to issue bonds of the State to an amount not to exceed nineteen hundred thousand dollars, and negotiate the same for the purpose of raising money with which to pay off an amount of the public debt which falls due January 1st, 1889, not otherwise provided for, and for other purposes connected therewith.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,*

Issue, etc., of Bonds to pay Public Debt.

That his Excellency the Governor be, and he is hereby authorized and empowered, with the assistance of the Treasurer, to issue negotiable bonds of the State to such an amount of the debt falling due 1st January, 1889, as will not be paid by the sinking fund provided for, or by any other moneys in the treasury available for that purpose, and negotiate the same for the purpose of raising money to pay off that portion of the principal of the public debt which falls due January 1st, 1889, not otherwise provided for, said bonds to be issued and negotiated at such times and in such amounts (not exceeding in the aggregate the sum of nineteen hundred thousand dollars) as the Governor may in his discretion see proper in order to meet the wants of the State. Said bonds shall each be of such denomination as the Governor may see proper to fix, and shall bear interest at a rate not exceeding four and one-half per centum per annum, the interest payable semi annually, one hundred thousand dollars of the principal of said bonds to mature on January 1st, 1898, and one hundred thousand dollars of the principal of said bonds to mature on January 1st of each year thereafter until this series of bonds is exhausted, and shall be payable, both principal and interest, at the office of the Treasurer of the State in the city of Atlanta, Georgia, and also in the city of New York, at such place as the Governor may elect. Said bonds shall be signed by the Governor and countersigned by the Treasurer for said State and on its behalf. To each of said bonds shall be attached coupons for the interest, and upon each coupon shall be engraved the signature of the Treasurer of the State for it and on its behalf. The bonds shall not be sold or disposed of for less than their par value.

Bonds to be issued.
Purpose and amount of.
Denomination.
Interest.
Maturity.
Place of payment.
How signed, etc.
Coupons.

SEC. 11 *Be it further enacted*, That in order to facilitate the sale and negotiation of said bonds, the Governor may give notice by publication, in such place or places and for such length of time as he may see proper, of his intention to issue said bonds, and he may invite bids for the same, and the lowest rate of interest at which the bidder will take said bonds, or any portion thereof; *Provided*, nothing herein contained shall be held or construed to limit the Governor to this method of sale or negotiation, but he may reject any and all bids made in response to said published notices, and if he sees proper may proceed to dispose of said bonds by private negotiation if in his judgment the best interest of the State shall demand such a course.

Notice of issue.
Bids for.
Proviso.

SEC. 111. *Be it further enacted by the authority aforesaid*, That his Excellency the Governor is hereby authorized to issue, upon such terms and under such regulations as he may from time to time prescribe, not inconsistent with existing laws, registered bonds in lieu of any bonds authorized to be issued in pursuance of the provisions of this Act. Said registered bonds shall be similar in all respects to the bonds authorized to be issued by the provisions of this Act, except they shall not be coupon bonds,

Registered bonds may be issued.
Regulations for.

Interest
on.Transfer
of.

and the principal and interest shall be payable only at the treasury of the State. Said registered bonds shall bear interest at a rate not exceeding four and one-half per centum per annum, payable semi-annually. Said bonds shall be transferable on the books of the Treasurer of the State, in person or by power of attorney, the form of which shall be as follows :

For value received ——— assign to ——— the within registered bond of the State of Georgia, number——, of the denomination of \$——, and—— hereby authorize the transfer thereof on the books of the Treasurer of the State of Georgia.

(Signature of assignor.)

Dated ———, State of——, County of——
Town of——.

Personally appeared before me the above-named assignor, known, or proved to be ———, the payee of the within bond, and signed the above transfer and acknowledged the same to be his free act or deed.

Witness my hand and official signature and seal this —— day of ——, 18——.

Said power of attorney shall be executed in the presence of any Judge of a court of record of this State, a Justice of the Peace or Notary Public, where the power of attorney is executed in this State, and if executed out of the State, then in the presence of any Commissioner of Deeds for the State of Georgia resident in the State of assignor, or the Ordinary, or Judge of the Probate Court, or like officer of the county of the residence of the assignor.

Endorse-
ment on
bonds.

SEC. IV. *Be it further enacted*, That there shall be endorsed on each of the bonds issued in pursuance of this Act the following extracts from the Constitution of this State, viz.: "The proceeds of the sale of the Western and Atlantic Railroad held by the State, and any other property owned by the State, whenever the General Assembly may authorize the sale of the whole or any part thereof, shall be applied to the payment of the bonded debt of the State, and shall not be used for any other purpose whatever so long as the State has any existing bonded debt." "The General Assembly shall raise by taxation each year, in addition to the sum required to pay the public expenses and interest on the public debt, the sum of one hundred thousand dollars, which shall be held as a sinking fund to pay off and retire the bonds of the State which have not yet matured, and shall be applied to no other purpose whatever."

Taxes to be
used in
payment.

SEC. V. *Be it further enacted*, That the sum of one hundred thousand dollars which shall be raised by taxation in the year 1897 (as required by Article VII, Section XIV, Paragraph I, of the Constitution of 1877) is hereby pledged to the payment of the aforesaid bonds that will mature January 1st, 1898, and the one hundred thousand dollars which shall be raised by taxation in

 Illegal Sale of Opium.

1898, and in each succeeding year thereafter, is hereby pledged to the payment of the aforesaid bonds that will mature on the first of January succeeding the year in which said one hundred thousand dollars is raised, until all of the bonds provided for in this Act have been fully paid off and discharged.

SEC. VI. *Be it further enacted*, That all bonds, whether coupon or registered bonds, issued under the provisions of this Act, shall be exempt from all taxation by or under the authority of this State, or of any municipality, county or authority whatsoever. Exempt from taxation.

SEC. VII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 5th, 1887.

 ILLEGAL SALE OF OPIUM.

No 154.

An Act to prevent the sale of Opium and its preparations to persons habitually addicted to its use.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That it shall not be lawful for any druggist, pharmacist, or other person selling opium and its preparations by retail, to sell, give or furnish, directly or indirectly, opium, or its preparations, containing more than two grains of opium to the ounce, in any quantity, to any person habitually addicted to its use, after written notice from the near relative of such person that he or she is habitually addicted to its use, except upon the written prescription of a physician setting forth the necessity of its purchase and showing the good faith of the prescription. Sale to persons addicted to use prohibited.
After notice.
Exception.

SEC. II. *Be it further enacted by the authority aforesaid*, That any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in Section 4310 of the Code. Penalty.

SEC. III. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 6th, 1887.

REJECTION OF BIDS FOR PUBLIC PRINTING., ETC

No. 167.

An Act to amend an Act to prescribe the manner, terms and specifications for letting the public printing to the lowest bidder in accordance with Article VII., Section XVII., Paragraph I of the Constitution, approved August 23rd, 1879, by adding a provision for the rejection of bids in certain cases, and for other purposes.

Act of
Aug. 23,
1879
amended.

Bids may
be reject-
ed.

Examina-
tion of
printer's
accounts.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the 3rd section of the above recited Act be amended by adding thereto the following paragraph, to-wit:

Said commissioners shall have the power to reject any and all bids, and re-let the same whenever they shall deem it to the public interest to do so; and when itemized accounts are rendered by the Public Printer said commissioners may examine experts as to the value of all material furnished, and cost of work charged for under this Act, and said commissioners shall have full power to reject any item of account which may appear to them, from such evidence or otherwise, to be in excess of said Public Printer's contract, or contrary thereto, so that said section when amended shall read as follows:

Act as
amended.

"SEC. III. *Be it further enacted*, That said commissioners, on or by the first week in June, 1880, and every two years thereafter, shall give notice by advertisement in one of the newspapers published in each of the Congressional Districts of this State, that sealed proposals to do the public printing for the State will be received by them at the office of the Secretary of State, in Atlanta, for thirty days; that on the first Tuesday of August following, the public printing will be awarded to the lowest bidder whose bid is filed in compliance with law. Said commissioners shall have the power to reject any and all bids, and re-let the same whenever they shall deem it to the public interest to do so, and when itemized accounts are rendered by the Public Printer, said commissioners may examine experts as to the value of all material furnished, and cost of work charged for under this Act, and said commissioners shall have full power to reject any item of account which may appear to them, from such expert testimony or otherwise, to be in excess of said Public Printer's contract or contrary thereto.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 12th, 1887.

Regulating Capture of Terrapins.

REGULATING CAPTURE OF TERRAPINS.

No. 170.

An Act to regulate the capture of terrapins in the waters of this State; to provide penalties for a violation of the same, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after the 1st day of January, 1888, it shall be unlawful for any person or persons to capture terrapins in any of the rivers, estuaries, bays, sounds, creeks or tide-waters of this State, by means of seines, nets, traps or other device or devices from the 1st day of March to the 25th day of July of each and every year. Time within which terrapins may not be captured.

SEC. II. *Be it further enacted by the authority aforesaid,* That it shall be unlawful for any person or persons to capture, in any manner or at any time, female terrapins of a less size than five and one-half inches measured, lengthwise on the lower shell, and when any such terrapins come up in the seines, or are caught in any net, trap or other device or devices, they shall be at once returned to the waters from which they were taken. Female terrapins of certain size not to be captured.

SEC. III. *Be it enacted by the authority aforesaid,* That it shall not be lawful at any time to use any seine, net, trap or other device or devices for the capture of terrapins with meshes or openings smaller than five and one-half inches stretched or four and one-fourth inches loose measure. Regulations as to nets.

SEC. IV. *Be it further enacted by the authority aforesaid,* That it shall be taken and deemed as *prima facie* evidence of a violation of the provisions of this Act for any person or persons to be found in possession of any terrapin or terrapins of a less size than five and one-half inches measured lengthwise on the lower shell, at any season of the year, or of any terrapin or terrapins of any kind between the 1st of March and 25th of July of each and every year. Evidence.

SEC. V. *Be it further enacted by the authority aforesaid,* That upon information given upon oath by any person or persons to any officer or officers authorized by the laws of the State to issue criminal warrants of a violation of any of the provisions of this Act by any person or persons, he shall issue his warrant directed to the sheriffs and constables of said State commanding and requiring them to arrest the party or parties alleged to have been or to be engaged in a violation of any of the provisions of this Act, and upon conviction of such offense shall be held and deemed guilty of a misdemeanor, and punished as provided in Section 4310 of the Code. Warrants. Penalty.

SEC. VI. *Be it enacted by the authority aforesaid* That all laws

 Ceding Jurisdiction to United States Over Certain Land in Augusta.

and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 12, 1887.

 CEDING JURISDICTION TO UNITED STATES OVER CERTAIN
LAND IN AUGUSTA.

No. 171.

An Act to provide for ceding to the United States the jurisdiction of this State over certain described land in the city of Augusta, in the county of Richmond, when the United States shall acquire title to the same, for the purpose of erecting thereon buildings for the accommodation of the United States courts, post-office and other departments of the Government of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,*

Jurisdic- That the jurisdiction of this State is hereby ceded to the
tion ceded Government of the United States over the following described lot
Descript'n of land in the city of Augusta, in the county of Richmond, when-
of land. ever said United States shall acquire title to the same, viz.:

All that lot, tract or parcel of land, situate, lying and being in the State of Georgia, Richmond county, city of Augusta, on the southwest corner of Greene and Ninth (9th) streets and known under the present numbering of the city of Augusta as No. 902 Greene street and 402 Ninth street. Said lot has a front on Greene street of one hundred and seventy feet (170) and runs back southwardly along Ninth street two hundred and fifty-three feet (253.) On the western boundary said lot has a length of two hundred and fifty feet; said western boundary is parallel with Ninth (9th) street and one hundred and seventy (170) feet distant therefrom. The southern line has a length of one hundred and seventy feet, and is distant from Greene street two hundred and fifty-three feet (253) on Ninth street (9th) and two hundred and fifty-three feet along the western boundary. Said lot is bounded north by Greene street, east by Ninth (9th) street, south by Joseph H. Hatton and lot of the City Council of Augusta, and by lot of John W. Beckwith, Bishop of the Episcopal Diocese of Georgia, and west by a strip of land about ten feet (10) wide belonging to C. D. Platt, which separates the lot from the property of C. Henry Cohen, trustee, for the purpose of erecting thereon buildings for the accommodation of the

Pur: ose.

Ceding Jurisdiction to United States Over Certain Land in Savannah.

United States post-office and other departments of the Government of the United States, so long as said land may be used for said purposes; *Provided always*, that the said transfer of jurisdiction is to be made and granted aforesaid upon the express condition that this State shall retain a concurrent jurisdiction with the United States in and over the land so to be transferred and every portion thereof so far that all process, civil or criminal, issuing under authority of this State, or any of the courts or judicial officers thereof, may be executed by the proper officers thereof upon any person or persons amenable to the same, within the limits and extent of the land so ceded in like manner and to like effect as if this Act had never been passed, saving, however, to the United States security to their property within the limits of said land. Condition.

SEC. II. *Be it further enacted*, That all laws and parts of laws... in conflict with this Act be, and the same are hereby repealed.

Approved September 12th, 1887.

CEDING JURISDICTION TO UNITED STATES OVER CERTAIN
LAND IN SAVANNAH.

No. 186.

An Act to cede to the United States of America exclusive jurisdiction over land in the city of Savannah.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and immediately after the passage of this Act, the United States of America shall have and exercise exclusive jurisdiction (except for the service of civil and criminal process issued under the laws of the State of Georgia) over such land in the city of Savannah, State of Georgia, as they have acquired by purchase, or may hereafter acquire by purchase, or by condemnation, for the purpose of erecting thereon a building for the accommodation of the United States courts, post-office and other departments of the Government of the United States; *Provided*, said building be commenced within one year after the acquirement of said land. Jurisdiction ceded.
Exception
Land covered.

SEC. III. *Be it further enacted by the authority aforesaid*, That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed

Approved September 20, 1887.

Inspection of County Jails.

INSPECTION OF COUNTY JAILS.

No. 203.

An Act to require the Grand Juries of the several counties in this State to inspect the sanitary condition of the common jails of their respective counties at each regular term of the Superior Court held in such counties, and to make such recommendations in regard to the ventilation and heating, and the general sanitary condition of such jails, and the treatment of the inmates of the same, as they may deem necessary, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, it shall be the duty of the Grand Juries of the several counties of this State to carefully inspect the sanitary condition of the common jails of their respective counties at each regular term of the Superior Court held therein, and it shall be their duty to make such recommendations to the ordinaries of their counties in their general presentments as may be necessary to provide for the proper heating and ventilation of such jails, which recommendations it is hereby made the duty of the several ordinaries of this State to observe and strictly enforce; and it is further made the duty of such Grand Juries to make such presentments in regard to the general sanitary condition of their jails and the treatment of the inmates of the same as the facts may justify.

Grand Juries must inspect.

Recommendations by.

To be observed and enforced.

Presentments as to

SEC. II. Be it further enacted by the authority aforesaid, That it shall be the duty of the Judges of the Superior Courts of this State to give this Act in special charge to the Grand Juries in each county in this State at each regular term of the Superior Court held in such counties.

This Act to be specially charged.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21, 1887.

Time for Cutting Turpentine Boxes.—Transportation of Lumber and Naval Stores.

TIME FOR CUTTING TURPENTINE BOXES.

No. 221.

An Act to prescribe the time for cutting turpentine boxes, and fixing the penalty for the violation of the same, and for other purposes.

WHEREAS, The cutting of turpentine boxes out of the winter months is generally believed to affect the health of the trees, causing worms and premature death, and thus producing sickness by reason of the dying timber; and

WHEREAS, Such unnatural destruction of the forest has a tendency to affect the rain-fall and produce long and protracted droughts: therefore

SECTION I. *Be it further enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same,* That any person or persons who shall cut turpentine boxes at any other season of the year than from the 15th of November to the 1st of March, on his own land or the land of another, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in Section 4310 of the Code. Time fixed
Penalty.

SEC. II. *Be it further enacted,* That when there shall be a conviction under this Act, the fine imposed and collected shall be paid over to the county treasurer of the county in which such conviction shall be had.

SEC. III. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 22, 1887.

TRANSPORTATION OF LUMBER AND NAVAL STORES.

No. 229.

An Act to promote the transportation of lumber and naval stores; to provide for the transportation of the same by tramways and to fix the mode of laying out such ways.

SECTION I. *Be it enacted by the Senate and House of Representatives, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, that any person, or corporation, desiring to build or construct any tramways to connect with any waterway or railway, in this State, for the purpose of transporting lumber, naval stores and timber by means of the same, may make application, in writing, to the Ordinary or Tramways
for car-
riage of
lumber
and naval
stores, etc.
Applica-
tion for au-
thority to
construct

Fixing Salary of Sheriff of Supreme Court.

County Commissioners of the county in which such tramway is to be located, setting out the length of such way, together with the place of starting and the terminus of the same and the line of its location as near as may be.

Proceed-
ings under

SEC. II. *Be it further enacted*, That when the application aforesaid is filed in the office of the Ordinary, as aforesaid, or County Commissioners, as the case may be, all the proceedings thereafter shall be the same as are now allowed and directed by the laws of this State in cases of establishing and laying out private ways, except that the strip of land to be used for such purpose shall not exceed in width fifteen feet.

Cessation
in use of.

SEC. III. *Be it further enacted*, That if such tramway so laid out shall at any time cease to be used for such purposes, then the land so employed for such way shall in its use revert to the owner thereof.

SEC. IV *Be it enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 27th, 1887.

FIXING SALARY OF SHERIFF OF SUPREME COURT.

No. 273.

An Act to fix the compensation of the Sheriff of the Supreme Court and to provide for the manner of its payment.

Amount of
salary.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That from and after the passage of this Act, the Sheriff of the Supreme Court of Georgia shall receive for his services a salary of eight hundred dollars per annum, payable quarterly, as other salaries are paid, on warrant from the Governor to the Treasurer.

Costs not
to be paid
him.

SEC. II. *Be it further enacted*, That the sum of one dollar and twenty-five cents, taxed in the bill of costs in the Supreme Court in each case as Sheriff's costs, shall be collected as other costs in that court are now collected, and shall be paid into the treasury of the State, and not to the Sheriff.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 3, 1887.

FOR ESTABLISHING LINE BETWEEN GEORGIA AND TENNESSEE.

No. 325.

An Act to provide for establishing the line between Georgia and Tennessee; to provide for the appointment of persons to establish said line, and to appropriate money to pay the expenses thereof, and for other purposes.

WHEREAS, There are grave doubts as to the location of the State line between Georgia and Tennessee on that part of the line which runs between Dade county, in Georgia, and Marion and Hamilton counties, in Tennessee; and

WHEREAS, The same has occasioned considerable trouble, and said line should be definitely settled and fixed, for remedy whereof:

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That the Governor of this State is hereby directed to communicate with the Governor of Tennessee for the purpose of having a joint survey and settlement of the disputed question; and if such arrangement can be made between the Governors of the two States, then the Governor of Georgia be, and he is hereby required to appoint three competent persons to act with such number as may be appointed by the State of Tennessee, whose duty it shall be to survey, establish and proclaim the true line between the disputed points.

SEC. II. *Be it further enacted,* That the sum of two hundred and fifty dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to pay the expenses of said proceeding, for which the Governor may draw his warrant upon the Treasurer.

SEC. III. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15th, 1887.

Opinion Supreme Court Transmitted to Lower Court in Certain Cases.—Settling Disputed County Lines.

OPINION OF SUPREME COURT TO BE TRANSMITTED TO LOWER COURT IN CERTAIN CASES.

No. 330.

An Act to require the full opinion of the Supreme Court to be transmitted to the Lower Court in certain cases.

SECTION I. *The General Assembly of the State of Georgia do enact.* That hereafter in every case decided by the Supreme Court, where a further trial or hearing of the cause is to follow in the lower court, the Clerk of the Supreme Court, shall as soon as said opinion is written out, transmit a copy thereof to the Clerk of the lower court, where the same shall remain on file for the information of said court and of the parties, and this the Clerk of the Supreme Court shall do without charge to either of the parties.

Without charge.

Supreme Court to instruct Clerk.

SEC. II. *Be it further enacted,* That it shall be the duty of the Supreme Court, on rendering its decision in any case to instruct the Clerk whether or not the case comes within the terms of the preceding section, and a note of such instruction shall be entered on the minutes of the court.

SEC. III. *Be it further enacted,* That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved October 15th, 1887.

SETTLING DISPUTED COUNTY LINES.

No. 346.

An Act to settle and define the county lines in this State, where differences may exist between counties as to the boundaries thereof; to provide for the establishment of the disputed line, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, wherever the boundary line between two or more counties in this State shall be in dispute, and the Grand Jury of either county shall present that the same requires to be marked out and defined, it shall be the duty of the Clerk of the Superior Court in the county where such presentments were made to certify such presentments to the Governor of this State, and the Governor shall appoint some suitable, and competent surveyor who shall not reside in either county to survey, mark out and de-

Proceedings to settle dispute

Interference with Employees.

fine the boundary line in dispute, and return such survey with plat to the Secretary of State's office to be recorded in a book to be kept for that purpose.

SEC. II. *Be it further enacted by the authority aforesaid,* That ^{Survey final, when} when such survey shall have been made, returned and recorded, as provided in the preceding section, it shall be final and conclusive as to the boundary line in dispute.

SEC. III. *Be it further enacted by the authority aforesaid,* That ^{Compensation of surveyor and employees.} the surveyor shall receive as compensation the sum of ten dollars per day while actually engaged in making the survey, and that he shall not be allowed more than five dollars per day for the paying of chain carriers, flag-bearers and other laborers necessary to clearly mark out and define such line.

SEC. IV. *Be it further enacted by the authority aforesaid,* That ^{How to be paid.} the fees and expenses allowed in the preceding section shall be divided equally and chargeable to the counties interested in the establishment of such line upon the affidavit of the surveyor.

SEC. V. *Be it further enacted by the authority aforesaid,* That ^{Notice of survey.} before the surveyor shall proceed to make the survey, he shall by mail or personally give the authorities having charge of the revenues of the counties at least ten days' notice of the time and place intended to commence the survey.

SEC. VI. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 20th, 1887.

INTERFERENCE WITH EMPLOYEES.

No. 347.

An Act to make it unlawful to prevent or attempt to prevent any person or persons from engaging in, remaining in or performing the business, labor or duties of any lawful employment or occupation; to provide a punishment therefor, and for other purposes.

SEC. I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, if any person or persons, by threats, violence, intimidation or other unlawful means, shall prevent or attempt to prevent any person or persons in this State from engaging in, remaining in or performing the business, labor or duties of any lawful employment or occupation; or if any person or persons, singly or together, or in combination, shall conspire to prevent or attempt to prevent any person or persons by threats, violence ^{Interference with employees, etc., forbidden.} ^{Conspiracy to interfere}

Regulating and Defining Fidelity Insurance.

or intimidation from engaging in, remaining in or performing the business, labor or duties of any lawful employment or occupation; or if any person or persons, singly or by conspiring together, shall hinder any person or persons who desire to labor from so doing, or hinder any person by threats, violence or intimidation from being employed as laborer or employee, or by the means aforesaid shall hinder the owner, manager or proprietor for the time being from controlling, using, operating or working any property in any lawful occupation, or shall by such means hinder such persons from hiring or employing laborers or employees, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction be punished as prescribed in Section 4310 of the Code of Georgia.

Penalty.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved October 20th, 1887.

REGULATING AND DEFINING FIDELITY INSURANCE.

No. 360.

An Act defining a contract of fidelity insurance; to provide for incorporated fidelity insurance companies and other companies doing a fidelity insurance business in this State, becoming sureties on bonds required by law to be taken, and to make said companies liable on such bonds, as individuals are on all of said bonds, and for other purposes in that behalf.

Contract of fidelity insurance.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That from and after the passage of this Act, that the contract of fidelity insurance contemplated by this Act is one whereby a fidelity insurance company, or such other corporation or company as may be doing a fidelity insurance business in this State, for a stipulated sum of money or premium, insures against loss caused by the defalcation, default, neglect or dishonesty of a trustee, officer of the law, officers of court, agents or other employees, and such other persons as may be required to give bond, or guarantees the performance of all such bonds or other obligations in favor of the insured, as individuals now do under the law who sign the bonds of all such persons as sureties.

What companies may become sureties on bonds.

SEC. II. *Be it further enacted*, That any fidelity insurance company, or such other corporation or company as may do fidelity insurance business in this State, incorporated and organized under the laws of this State, or any other State of the United States, or a foreign State, for the purpose of transacting business of fidelity insurance, which has a paid-up capital of not less than

Regulating and Defining Fidelity Insurance.

two hundred and fifty thousand dollars, and which shall have complied with all requirements of law for license to and the transaction of business by such companies, in this State, may upon proper proof thereof and upon production of evidence of solvency and credit, satisfactory to the Judge, head of department or other officer, or officers, in this State, authorized to approve and accept bonds, be accepted as surety upon the bond of any person, company or corporation required by the laws of this State to execute bonds in lieu of any surety, or sureties, as now required by law, any such fidelity insurance company, or other companies in this State doing a fidelity insurance business, may be released from its liability on such bonds on the same terms and conditions as are by law prescribed for the release of individuals. It being the true intent and meaning of the provisions of this Act to enable the companies and corporations, doing a fidelity insurance business, to become the surety on all such bonds required by law to be taken, with all the rights and subject to all the liabilities of individuals.

Pre-requisites.

How released from bonds

SEC. III. *Be it further enacted*, That any fidelity insurance company, or such other corporation or company as may be doing a fidelity insurance business in this State, which shall execute any bond as surety under the provisions of this Act, shall be estopped in any proceeding to enforce the liability, which it shall have assumed or incurred to deny its corporate power to execute such instrument or assume such liability.

Estopped to deny corporate power.

SEC. IV. *Be it further enacted*, That in the event any such fidelity insurance company, or other corporation or company doing a fidelity insurance business in this State, shall become surety on any of the bonds or obligations mentioned in this Act, such corporation or company shall be subject to be sued on such bonds or obligations in the county of the residence of the principal in such bond or obligation, and service may be perfected on said corporation or company as is prescribed for service on fire insurance companies doing business in this State; *Provided*, that said companies, before beginning business in this State, or signing any bond, shall obtain a license from the Comptroller General, which license shall be revoked if said companies as to any bond as to business in this State shall begin a suit in the United States courts or remove or cause to be removed any suit thereto.

Venue of suits on such bonds

Service of

Must be licensed.

License revoked, when.

SEC. V. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

INSPECTION AND SALE OF NAVAL STORES.

No. 364.

An Act to regulate and control the inspection and sale of naval stores (tar, pitch, rosin and turpentine) in the State of Georgia ; to provide penalties for violations thereof, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That no inspector of naval stores, now appointed or hereafter appointed by the corporate authorities of any city, or the ordinary of any county, shall be or become during his term of office the agent or clerk of any buyer of naval stores, or of any factor, brokerage or commission merchant engaged in the buying or selling of naval stores, or of any manufacturer engaged in the production of naval stores, and any inspector violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office and in addition thereto shall be punished as is prescribed in section 4310 of the Code.

SEC. II. *Be it further enacted by the authority aforesaid,* That no corporate authority, incorporation or ordinary having the appointment of naval stores inspectors shall have power to authorize or empower inspectors of naval stores to charge more than six (6) cents per barrel for inspecting rosin, including weighing, inspection and cooperage, nor more than nine (9) cents per barrel for inspecting spirits of turpentine, including gauging, inspection, bunging and cooperage; and any inspector of naval stores charging and demanding more than six (6) cents for inspecting a barrel of rosin, or more than nine (9) cents for inspecting a barrel of spirits of turpentine, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as is prescribed in section 4310 of the Code; *Provided*, that no inspector shall be compelled to make an inspection of rosin or spirits of turpentine until these fees are first paid.

SEC. III. *Be it further enacted by the authority aforesaid,* That when any inspector shall place his brand upon a barrel of rosin, thereby designating the true grade or quality of said rosin, or shall place upon a barrel of spirits turpentine his brand, thereby designating the number of gallons contained in said barrel of spirits turpentine, it shall be unlawful for any person, other than a sworn and bonded inspector, to change, remove, alter, erase or in any manner interfere with said brand or brands, or cause said brand or brands to be changed, removed, altered, erased, or in any manner interfered with, and for each and every violation of this section, the person so violating shall be guilty of a misde-

Inspectors
to be disinterested.

Penalty.

Charges
for inspection.Penalty for
overchargeRemoval,
change,
etc., of In-
spector's
brand.

Reception and Transmission of Telegraphic Dispatches.

meanor, and upon conviction thereof shall be punished as prescribed in section 4310 of the Code, and where a fine is imposed, one-half of the same shall go to the informer. Penalty.

SEC. IV. *Be it further enacted by the authority aforesaid, That* if any inspector shall fraudulently place any other than the true grade or quality upon a barrel of rosin, or fraudulently place any other than the exact number of gallons upon a barrel of spirits turpentine, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of five hundred dollars, one-half of which shall go to the informer, or by imprisonment in the county jail for six months. Fraudulent brands.
Penalty.

SEC. V. *Be it further enacted by the authority aforesaid, That* the provisions of this Act shall go into effect on December first, 1887. When Act to take effect.

SEC. VI. *Be it further enacted by the authority aforesaid, That* all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

RECEPTION AND TRANSMISSION OF TELEGRAPHIC DISPATCHES.

No. 365.

An Act to prescribe the duty of electric telegraph companies as to receiving and transmitting dispatches; to prescribe penalties for violations thereof, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That* from and after the passage of this Act, that every electric telegraph company, with a line of wires wholly or partly in this State, and engaged in telegraphing for the public, shall during the usual office hours receive dispatches, whether from other telegraphic lines or from individuals; and on payment or tender of the usual charge, according to the regulations of such company, shall transmit and deliver the same with impartiality and good faith, and with due diligence, under penalty of one hundred dollars, which penalty may be recovered by suit in a justice or other court having jurisdiction thereof, by either the sender of the dispatch, or the person to whom sent or directed, whichever may first sue; *Provided*, that nothing herein shall be construed as impairing or in any way modifying the right of any person to recover damages for any such breach of contract or duty by any telegraph company, and said penalty and said damages may, if the party so elect, be recovered in the same suit. Discrimination by telegraph companies forbidden.
Penalty.
This Act not to affect right to damages.

 To Remedy Loss or Mutilation of Public Records.

SEC. II. *Be it further enacted,* That such companies shall deliver all dispatches to the persons to whom the same are addressed, or to their agents, on payment of any charges due for the same; *Provided,* such persons or agents reside within one mile of the telegraphic station, or within the city or town in which such station is.

SEC. III. *Be it further enacted,* That in all cases the liability of said companies for messages in cipher, in whole or in part, shall be the same as though the same were not in cipher.

SEC. IV. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

 TO REMEDY LOSS OR MUTILATION OF PUBLIC RECORDS.

No. 379.

An Act to prescribe a remedy for supplying the defects and inconveniences arising from the loss or mutilation of any of the public records in any courts of this State; to provide for the procuring copies thereof as near as may be; to make such copies evidence in all respects just as the original records would have been, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact,* That in all cases, where any of the public records in any county in this State have been or may hereafter be lost, mutilated, stolen or destroyed, it shall be lawful for the Superior Court of the county where such records may belong to establish copies, or substantial copies as near as may be, of such records, and when so established, such records shall be in all respects evidence just as the original records would have been.

SEC. II. The Ordinary of the county is hereby authorized to proceed in said court, by petition for that purpose, which may be filed at any time and heard and determined at the first term after or during which the same may be filed; and it shall be the duty of the court to give precedence to said case above all other business and to proceed with the same as speedily as possible. Upon the hearing of such petition, it shall be discretionary with the court to order the whole or any part of such records established, or to refuse to order the whole or any part thereof established, as in the sound judgment the public interest may require.

SEC. III. Said petition shall set forth the fact that some portion of said records has been lost, mutilated, stolen or destroyed,

Regulating the Business of Insurance in this State.

specifying as near as may be the books or parts of the books in which they existed, and shall pray for the establishment of the same, and the copy or copies so established shall, as near as may be, specify and conform to the original book and pages of the same on which said copies originally existed. What petition must contain.

SEC. IV. It shall be lawful for said court, or the Judge thereof, in vacation, in all cases where he shall deem it proper and necessary so to do, to appoint an auditor, whose duty it shall be to hear evidence, and who shall have power to summon witnesses and compel the production of books and papers, under such rules and regulations as are now practiced in courts of law in this State, and he shall make his report to the court of such copies of such lost, stolen, mutilated or destroyed copies, and such report when filed shall be acted on by the court and made the judgment, unless objection be filed to the same or some part thereof as being incorrect, which objection, if any, shall be heard and determined by the court without the intervention of a jury. Appointment of auditor. Power of. Report. Exceptions to, etc.

SEC. V. Such auditor shall receive for his services such compensation as may be allowed him by said court, to be paid out of the public funds of the county. Compensation of auditor.

SEC. VI. Any person interested in said auditor's report adversely to the same, or who shall claim that there is any mistake in the same, shall have the right to file such objections thereto as are specified in section four of this Act and none other, which objections shall be filed within thirty days after the filing of said report, and shall be heard and determined in the manner prescribed in section four of this Act. Who may except to auditor's report. Hearing of

SEC. VII. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

REGULATING THE BUSINESS OF INSURANCE IN THIS STATE.

No. 451.

An Act to regulate the business of insurance in this State, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, the Comptroller-General of this State shall be the Insurance Commissioner of this State, and shall be charged with the execution Insurance Commissioner.

Regulating the Business of Insurance in this State.

of all the laws of this State regulating the business of insurance in the State of Georgia.

Compa-
nie- must
be licens-
ed.

Pre-requis-
ites to ob-
taining
license.

SEC. II. *Be it further enacted*, That it shall not be lawful for any insurance company chartered by this State, or other States or foreign government, to transact any business of insurance in this State without first procuring a license from the Insurance Commissioner of this State, and before said Commissioner shall issue such license such insurance company must fully comply with all of the provisions of this Act, and file with said Insurance Commissioner a statement, under oath, of its President and Secretary, specifying: First—The name and locality of the company. Second—The condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items in the following form, namely: First—The amount of the capital stock of the company and what part of the same has been paid up in cash, and what part is in notes of the stockholders, and how such notes are secured. Second—The property or assets held by the company, specifying:

1. The value, or as near as may be, of the real estate held by such company, if encumbered to what amount.
2. The amount of cash on hand and deposited in banks to the credit of the company.
3. The amount of cash in the hands of agents and in the course of transmission.
4. The amount of loans secured by bonds and mortgages on real estate.
5. The amount of other loans and how secured.
6. The amount of stocks of this State, of other States in the United States, and of any other stocks owned by the company, specifying the amount, number of shares and par and market value of each kind of stock.
7. The amount of interest actually due and unpaid.
8. The amount of premium notes on hand upon which policies have been issued.
9. The amount of any and all other assets, both real and personal, not covered by or included hereinbefore.

Third—The liabilities of the company, specifying:

1. The amount of losses due and yet unpaid.
2. Amount of claims for losses resisted by the company.
3. The amount of losses not yet due, including those reported to the company on which no action has yet been taken.
4. The amount of dividends declared and due and remaining unpaid.
5. The amount of dividends declared but not yet due.
6. The amount of money borrowed.

Regulating the Business of Insurance in this State.

7. The amount of all other claims against the company.

8. The amount of reserve for re-insurance.

Fourth—The income of the company during the preceding year, specifying:

1. The amount of the cash premiums received.

2. The amount of notes received for premiums.

3. The amount of interest money received.

4. The amount of income received from other sources.

Fifth—The expenditure during the preceding year, specifying:

1. The amount of losses paid during the year.

2. The amount of dividends paid during the year.

3. The amount of expense paid during the year, including fees and commissions to agents and officers of the company.

4. The amount paid in taxes.

5. The amount of all other payments and expenditures.

Sixth—The greatest amount insured in any one risk and the total amount of insurance outstanding.

Seventh—A certified copy of the Act incorporating the company.

SEC. III. *Be it further enacted*, That no insurance company of whatever class, except such companies as have already been chartered by this State, Masonic, Odd Fellows, religious and mutual aid societies and co-operative or assessment life insurance companies, shall be allowed to transact any business of insurance in this State unless possessed of at least one hundred thousand dollars of actual cash capital paid up, or assets, and invested in bonds or stocks, estimated at their actual market value at the date of the statement required by section second of this Act, or in mortgages on real estate, with double the amount for which the same is mortgaged. Upon filing such statement, the Insurance Commissioner, when satisfied that it is correct, and that the company has fully complied with the laws regulating the business of insurance in this State, shall issue licenses to said company to transact business in this State. Said statement and licenses must be renewed annually on the first day of January, or within sixty days thereafter, and must show the condition of said company on the thirty-first day of the preceding December.

Amount of capital necessary..

Annual statements to commissioners.

In addition to this statement, above required, all companies, including co-operative or assessment life insurance companies doing business in the State, shall through their chief officer or agent, residing in this State, make to the Governor of this State, semi-annual statements on the first day of January and July of each year, or within sixty days thereafter, which statements shall contain a full and exact report of their condition on the thirtieth day of June and thirty-first day of December then next preceding said statements to be made in accordance with the terms and

Semi-annual statements to Governor.

What they must contain.

Regulating the Business of Insurance in this State.

conditions set forth and required under the second section of his Act, which shall be sworn to by the officer or agent making the same. That at the time of making such report to the Governor or each company shall publish at its own expense a duplicate thereof in a newspaper of general circulation published in this State. That should any one of such insurance companies fail or refuse to make said statement to the Governor, it shall, by such failure or refusal, forfeit its right to do business in this State until the first of January of the next year, and on such failure or refusal the Insurance Commissioner shall recall and cancel the license of such delinquent company.

To be verified and published.

Penalty for failure.

Deposit by fire, marine and inland companies of other States, etc.

When they may be withdrawn

Coupons may be collected.

Assurance of their return.

When notice of loss is given bonds to be retained.

Application for receiver for bonds.

Bond by receiver. Treasurer to deliver bonds to him.

SEC. IV. *Be it further enacted*, That all fire, marine and inland insurance companies, chartered by other States or foreign governments, shall be required to deposit with the Treasurer of this State, bonds of the United States, or bonds of this State, which according to the Acts and resolutions of the General Assembly are valid, and which amount, according to their face value, to twenty-five thousand dollars, which bonds shall be receipted for by the State Treasurer, and especially deposited by him in the vaults of the Treasury; and whenever such company ceases to do business in this State, and has settled up all claims against it as hereinafter provided, said bonds shall be delivered up to the proper party on presentation of the Treasurer's receipt. While said bonds are so deposited the owners of the same shall, subject to the notices hereinafter provided for or given, be entitled to collect the coupons and use them. For the bonds so deposited the faith of the State is pledged that they shall be returned to the parties entitled to receive them, or disposed of as hereinafter provided.

That whenever any loss insured against occurs, the insured, in order to secure his recovery, may give notice to the State Treasurer of the pendency of said loss, and of the amount claimed, after which time the State Treasurer shall be bound to retain, subject to the order of the court trying any suit that may be brought for the recovery of such loss, a sufficient amount to pay the judgment in said case; in the event of recovery, when such suit is ended, and the amount is ascertained, for which said party sued may be liable, is not paid in ten days, then said plaintiff may file an application with the Judge of the Superior Court of the county where the case was tried, for a Receiver to take charge of so many bonds as shall be necessary to satisfy the aforesaid judgment.

When said Receiver is appointed by the Judge, who shall always require bond and security of him for the faithful performance of his duty, said State Treasurer, on his application, shall deliver to him bonds sufficient in their market value, if in his custody, to satisfy said judgment. Said Receiver's receipt shall be

Regulating the Business of Insurance in this State.

a complete discharge to said Treasurer and the State of Georgia. Then said Receiver shall apply to the Judge of said Superior Court for an order of sale, and in pursuance of said order, sell said bonds. After deducting such expenses and commissions as shall be allowed by said Judge, he shall pay over to the plaintiff, or his attorney, a sufficient amount to satisfy the said judgment; and if there remains any residue in the hands of such Receiver, he shall pay over the same to the agent of the company, taking his receipt for the same, which shall be filed and recorded with the other papers in the case.

Order of sale.

Sale.

Appropriation of proceeds.

If there are conflicting claims, then the State Treasurer shall deliver over to the Receiver, in the order of their applications, the aforesaid bonds; and if there is any contest between creditors, which cannot be settled in this mode, then the party not receiving sufficient bonds through the Receiver appointed in his behalf, may become a party to the other case, and make known his claim to the other Receiver by making affidavit of the claim and filing the same with him, and then the Receiver shall report such claim to the Judge of the Superior Court appointing him, who shall, by order, provide for a bill of interpleader, as in cases in equity.

Conflicting claims.

When any company desires to withdraw from the State, and will satisfy the Commissioner that all suits pending against such party, and of which no notice has been given, have been fully satisfied, or whenever no notice of claim has been given, and when rights under existing policies have been satisfied and released as the provisions of this Act require, then said Treasurer shall return to said party the bonds so deposited, upon order from said Commissioner.

Withdrawal by company from the State.

Whenever, by means of the provisions of this Act, the amount of bonds so deposited are reduced, said Treasurer shall, at once, notify the Insurance Commissioner, in writing, who shall give notice to the company depositing, and require more bonds to be deposited, so as always to maintain the original amount; and if the company so notified by the Insurance Commissioner fails to comply within thirty days, the license to do business in this State shall be revoked, and said Insurance Commissioner shall, at the same time, give notice by publication in a newspaper published at the capital, of the fact of such failure and revocation of license. The cost of which publication shall be paid by the company failing to comply with the provisions of this Act. And when any company, having made the deposit required by this Act, has existing policies on property of citizens of this State on which no losses have accrued, and which company wishes to withdraw its deposits, before being allowed so to do, said company shall take up and satisfy said policies, and give notice of its intention to withdraw from the State, and of the fact that it has

When amount of bonds reduced below amount required.

Penalty for failure to supply.

Notice of

Existing policies must be satisfied before withdrawal.

Notice.

Regulating the Business of Insurance in this State.

satisfied all losses and the claims of policy holders above designated, which notice shall be published once a week for months in a newspaper to be designated by the Insurance Commissioner of the State, and at the expense of said company; and it is hereby provided that any claims of the citizens of this State must, whether for losses or on existing policies where no losses have occurred, be fully settled before said deposits shall be withdrawn.

Deposits of life and accident companies, of other States etc.

SEC. V. *Be it further enacted,* That all life and accident insurance companies chartered by other States of the United States, or foreign governments, shall show by a certificate from the officer having supervision of the insurance department in the State in which they are chartered, or elect to make their deposit, that they have deposited not less than one hundred thousand dollars, in such securities as may be deemed by such officer as equivalent to cash subject to his order, as a guarantee fund for the security of policy holders of said companies.

Of home companies

All such companies chartered by the State of Georgia shall, before doing business in this State, deposit with the Insurance Commissioner of this State, or with some strong corporation which may be approved by him one hundred thousand dollars, in such securities as may be deemed by him equivalent to cash, to be subject to his order, as a guarantee fund for the security of the policy holders of the company making such deposit; all interest and dividends arising from such securities to be paid when due to the company so depositing them. Any such securities as may be needed by the company may be taken from said Insurance Commissioner, or corporation, at any time, by replacing them with other securities equally acceptable to the Insurance Commissioner, whose certificate for the same shall be furnished to the company.

Interest and dividends on. Change of securities.

Investigation by commissioner.

SEC. VI. *Be it further enacted,* That it shall be the duty of the Insurance Commissioner, whenever he shall deem it expedient so to do, and he is hereby empowered, either in person or by an expert examiner by him appointed, to investigate the affairs of any insurance company doing business in this State, to require free access to all books and papers of any company, or the agents thereof, to summon and examine under oath any person in this State, relative to the affairs and condition of said company; for probable cause, to visit at its principal office, wherever it may be, any insurance company not of the State in which the substantial requirements of this Act, as to valuations of policies of life and accident insurance companies, and calculations for the re-insurance reserve of fire, marine and inland insurance companies, are not in force and doing business in this State, for the purpose of investigating its affairs and condition, and revoke its authority to do business in this State, if said company refuses to permit the ex-

Regulating the Business of Insurance in this State.

amination. All expense incurred in the investigation of said companies shall be paid by the companies so examined. Expenses of.

SEC. VII. *Be it further enacted*, That for every fire insurance company doing business in this State, the Insurance Commissioner shall calculate, or cause to be calculated, the re-insurance reserve for unexpired fire risks, by taking fifty per centum of the premium received on all policies that are written for a period of one year or less, and according to the New York per centage table for calculating re-insurance on all premiums received that have more than one year to run; and in marine and inland insurance he shall charge all the premiums received on un-expired risks as a re-insurance reserve. Having charged against the company the re-insurance reserve as above determined for fire, marine and inland insurance and adding thereto all other debts and claims against the company, he shall, in case he finds the capital stock of the company impaired more than twenty per cent give notice to said company to make good its whole capital stock within ninety days; and if this is not done he shall require the company to cease to do new business within this State, and shall thereupon, in case the company is organized under authority of this State, immediately institute legal proceedings as hereinafter required by the provisions of this Act. Calculation of re-insurance reserve of fire companies. Marine and inland companies. When capital stock is found to be impaired. Capital stock to be made good. Penalty for failure.

Any such insurance company receiving the aforesaid notice of the Insurance Commissioner to make good its whole capital stock within ninety days, shall forthwith call upon its stockholders for such amounts as will make its capital equal to the amount fixed by the charter of said company. Call on stockholders.

In the case of companies chartered by other States or foreign governments, the Insurance Commissioner of this State shall accept calculations of the re-insured reserve made by the Insurance Commissioner of the State in which they are chartered, when such calculations are made and furnished to the Insurance Commissioner of this State by the first of March in each and every year. Calculation of re-insurance reserve by commissioners of other States.

Whenever the Insurance Commissioner shall have reason to believe, from an examination into the affairs of a company, that any insurance company of this State is insolvent or fraudulently conducted, or that its assets are not sufficient for carrying on business, or during any non-compliance with the provisions of this Act, he shall communicate the fact to the Attorney General whose duty it shall then become to apply to a Judge of the Superior Court of this State for an order requiring said company to show cause why their business should not be closed, and the Judge shall thereupon hear the allegations and proofs of the respective parties. If it appears to the satisfaction of said Judge that such company is insolvent, or that the interests of the public so require, the said Judge shall decree a dissolution of such corporation and a distribution of its assets; but in case it shall appear to said Proceeding when home companies are insolvent etc. Dissolution.

Regulating the Business of Insurance in this State.

Judge that said company is able, and has complied with the provisions of this Act, and that it is not insolvent, a decree shall be entered annulling the action of the Insurance Commissioner in the premises, and authorizing the company to resume business.

Calculation of net value of life policies.

SEC. VIII. *Be it further enacted*, That the Insurance Commissioner shall, as soon as practicable, in each alternate year, calculate, or cause to be calculated, the net value, on the 31st day of December of the previous year, of all the policies in force on that day in each life insurance company doing business in this State, chartered by this State, and of every other life insurance company doing business in this State, that shall fail to furnish him, as hereinafter provided, a certificate of the Insurance Commissioner of the State, by whose authority the company was organized or by the State in which it may elect to have its policies valued and its deposit made, giving the net value of all policies in force in the company on the 31st day of December of the preceding year, which calculation of the net value of each policy shall be based upon the American Experience or Actuary's Table of Mortality and four per cent. interest per annum; *Provided*, that when any life company shall have a cash capital of not less than one hundred thousand dollars, fully paid up and safely invested, the reserve to provide for the liabilities on all policies of such company, not participating in the profits of the company, shall be computed by the American or Actuary's Table of Mortality, with interest at not less than three nor more than six per cent. per annum, in the discretion of the Commissioner, and with reference to the rates of premiums charged by such company. The net value of a policy, at any time, shall be taken to be the single net premium which will, at that time, effect the insurance, less the value at that time of the future net premiums called for by the table of mortality and rate of interest designated.

Proviso.

Where net value of policies is not on hand. Publication of.

In case it is found that any life company doing business in this State has not on hand the net value of all its policies in force after other debts of the company and claims against it, exclusive of capital stock, have been provided for, it shall be the duty of the Insurance Commissioner to publish the fact that the then existing condition of the affairs of the company is below the standard of legal safety established by this State, and he shall require the company at once to cease doing new business, and it is hereby made the duty of the Insurance Commissioner, after having determined as above, the amount of the net value of all policies in force, to see that the company has that amount in safe legal securities after all debts and claims against it, exclusive of capital stock, have been provided for.

Penalties.

Valuations by commissioners of other States.

He shall accept the valuations made by the Insurance Commissioner of the State, under whose authority a life insurance company is chartered, when such valuations have been made on the

Regulating the Business of Insurance in this State.

basis mentioned above; *Provided*, the company shall furnish to the Insurance Commissioner of this State, on or before the first day of March in each and every alternate year, a certificate from the Insurance Commissioner of such State, setting forth the value, calculated on the dates designated above, of all the policies in force in the company on the previous thirty-first of December, and stating that after all the other debts of the company and claims against it at that time were provided for, the company had in safe securities an amount equal to the net value of all its policies in force, and that said company is entitled to do business in its own State, and every company doing business in the State during the year for which the statement is made, that fails to furnish promptly the certificate aforesaid shall be required to make full detailed lists of policies and securities held or owned by the company to the Insurance Commissioner of this State, and shall be liable for all charges and expenses consequent upon not having furnished said certificate.

Provide.

Failure to furnish such statement.

It shall be the duty of the Commissioner after he has notified a life insurance company chartered by the State to cease doing new business until the net value of its policies in force is equal to that called for by the standard of safety established by the State, at once to cause a rigid examination into the affairs of such company; in case it shall appear that there is no fraud or gross incompetency or recklessness shown to exist in the management, he may, upon publishing the facts in the case, permit such company to continue its business for one year; *Provided*, there is, in his opinion, reason to believe that the company may be able to re-establish the legal net value of all its policies in force. At the end of the year named above, he may renew the permission, in case, on examination he is satisfied that the company is likely to retrieve its affairs.

Proceedings where home life companies fail to maintain standard as to net value of policies.

Provide

Whenever the Insurance Commissioner shall have reason to believe that any insurance company of this State is insolvent or fraudulently conducted, or that its assets are not sufficient for conducting the business of the company, or during any non-compliance with the provisions of this act, his duty shall be as prescribed in Section VII of this Act.

SEC. IX. *Be it further enacted*, That any person who solicits in behalf of any insurance company, or agent of the same, incorporated by the laws of this or any other State or foreign government, or who takes, or transmits, other than for himself, any application for insurance, or any policy of insurance to or from such company, or agent of the same, or who advertises or otherwise gives notice that he will receive or transmit the same, or who shall receive or deliver a policy of insurance of any such company,

Definition of insurance agent

Regulating the Business of Insurance in this State.

or who shall examine, or inspect any risk at any time, or receive or collect or transmit any premiums of insurance, or make or forward any diagram of any building or buildings, or do or perform any other act or thing in the making or consummating of any contract of insurance for or with any such insurance company, other than for himself, or who shall examine into or adjust or aid in adjusting any loss for or in behalf of any such company, whether any of such acts shall be done at the instance or request, or by the employment of such insurance company, or of, or by, any broker or other person, shall be held to be the agent of the company for which the act is done or the risk is taken.

Penalty on
agents of
unauthor-
ized com-
panies.

Any person, who shall do or perform any of the acts or things mentioned for any insurance company, or agent of said company, without such company having first received a certificate of authority from the Insurance Commissioner of this State, as required by law, shall be guilty of misdemeanor, and, on conviction in any Court of competent jurisdiction, shall be punished as provided by section 4310 of the Code of Georgia, and shall also pay a sum equal to the State, county and municipal taxes and licenses required to be paid by insurance companies legally doing business in this State; and it is hereby made the duty of the Insurance Commissioner to see that all violators of the provisions of this section are prosecuted.

Personal
liability to
policy
holder.
Provido.

Any person who shall do any of the acts mentioned in this section shall also be personally liable to the holder of any policy of insurance in respect of which such act was done, for any loss covered by the same; *Provided*, that the penalties provided for in this section shall not apply to adjusters of authorized insurance companies from whom citizens of this State have purchased insurance for themselves, as provided for in this section, whenever the person or persons purchasing said insurance shall immediately notify the Insurance Commissioner, giving the names and locality of each company in which they have policies, and at the same time pays to said Insurance Commissioner the same license fees and taxes for each company as are now or may hereafter be required of fire insurance companies authorized to do business by the laws of this State; and when the license fees for any company have been paid in any one year by any person or persons who have purchased insurance from said company, then and in that case any person or persons purchasing insurance from said company thereafter shall not be liable for the license fees of said company during the said year, but only for such taxes on premiums as may be required from time to time of insurance companies authorized to do business in this State.

SEC. X. *Be it further enacted*, That any insurance company

Regulating the Business of Insurance in this State.

not incorporated or organized under the laws of this State, desiring to transact business in this State, shall file with the Insurance Commissioner of this State a written instrument or power of attorney duly signed and sealed, appointing and authorizing some person, who shall be a resident of this State, to acknowledge or receive service of process, and upon whom process may be served, for and in behalf of such company, in all proceedings that may be instituted against such company in any court of this State, or any court of the United States in this State, and consenting that service of process upon any agent or attorney appointed under the provisions of this section, shall be taken and held to be as valid as if served upon the company; and such instrument shall further provide that the authority of such attorney shall continue until revocation of his appointment is made by such company by filing a similar instrument with said Insurance Commissioner, whereby another person shall be appointed as such attorney; *Provided*, however, that the provisions of this section shall not be construed to alter or amend the laws now of force in this State relative to bringing suits and serving process on foreign corporations doing business in this State.

Service of process on other than home companies.

Provido.

If any attorney so appointed shall absent himself from this State, or his usual place of business or abode, or shall secrete himself, so that process may not be served upon him, or shall have become disqualified from any cause whatever, or shall die, the Insurance Commissioner shall immediately appoint an attorney for service for such company, of which appointment, notice in writing shall be immediately given by said Insurance Commissioner to such appointee and also be sent to the company by mail, or to its general agent or manager, which appointment shall be as valid as if made by the company, and shall continue in force until such absent agent or attorney shall return and give to said Insurance Commissioner written notice thereof, or until the company shall have made another appointment in the manner above prescribed; service of process as aforesaid, issued by any such court as aforesaid, upon any such attorney appointed by the company, or by the Insurance Commissioner, shall be valid and binding, and be deemed personal service upon such company so long as it shall have any obligations or liabilities outstanding in this State, although such company may have withdrawn, been excluded from, or ceased to do business in this State. If any company shall fail, neglect or refuse to appoint and maintain within this State such attorney or agent, it shall forfeit the right to do or continue business in this State.

When commissioner may appoint attorney for companies to be served.

Notice of.

Effect of service.

Penalty for failure to appoint attorney.

SEC. XI. *Be it further enacted*, That no person shall act as an agent in this State of any insurance company of this or any other

Regulating the Business of Insurance in this State.

No person may act as agent for company not complying with this Act.

Fees of insurance commissioner.

Report of premium receipts.

State or foreign government doing a business in any manner until said company has fully complied with the provisions of this Act, and received from the Insurance Commissioner certificates of authority for itself and its agents to transact business in this State. The fees of the Insurance Commissioner shall be as follows: For filing certified copy of charter, \$20 00; for examination of annual statement, \$20,00, and for certificates of authority or license to agents, \$3 00 each, one-fifth of which shall be paid to the commissioner in full compensation for services in executing the provisions of this Act. In addition to the payment of the above fees, each of the said companies shall make a report to the commissioner on the first day of May of each year, or within sixty days thereafter, under oath of the President or Secretary thereof, showing the entire amount of premium receipts of every character and description (deducting returned premiums on cancelled policies) of said companies in this State during the year or fractional part of the year ending the 30th day of April next preceding, whether said premiums were received in money or in notes, credits or any substitute for money, to be taxed as may be provided by law from time to time.

When charges, etc., are made on companies of this State greater than burdens imposed by this State.

SEC. XII. *Be it further enacted*, That whenever the existing laws of any other State of the United States shall require of insurance companies chartered by this State, and having agencies in such other State or of the agents thereof, any deposit of securities in such State for the protection of policy-holders or otherwise, or any payment or penalties, certificates of authority, license fees or otherwise, greater than the amounts required for such purposes from similar companies of other States by the then existing laws of this State, then, and in every such case, all companies of such States establishing, or having heretofore established an agency or agencies in this State, shall be and are hereby required to make the same deposit for a like purpose with the Insurance Commissioner of this State, and to pay to said commissioner, for penalties, certificates of authority, license fees or otherwise, an amount equal to the amount of such charges imposed by the laws of such State upon companies of this State and the agents thereof.

Sworn statement to be filed by assessment companies, etc.

SEC. XIII. *Be it further enacted*, That it shall not be lawful for any corporation or association, organized under the laws of this or other States of the United States for the purpose of furnishing life indemnity or insurance upon the assessment plan by its agents, to do any business in this State until such corporation or association shall deposit with the Insurance Commissioner of this State a certified copy of its charter or articles of corporation, a copy of its statement of business for the year ending the 31st day of the next preceding December, sworn to by the President or Secretary or like officers thereof, setting forth the number and amount of

Regulating the Business of Insurance in this State.

certificates of membership or policies in force, and a detailed account of its expenditures, income, assets and liabilities, and also a certificate sworn to by the President and Secretary, or like officers thereof, setting forth that it has paid and has the ability to pay its certificates or policies to the full limit named therein; that its certificates or policies are payable only to beneficiaries, having a legal insurable interest in the life of the member or insured, that an ordinary assessment upon its members is sufficient to pay its maximum certificate of membership or policy, theretofore or thereafter to be issued to the full amount or limit named therein; a certificate from the Insurance Commissioner, or other like officer charged with the duty of executing or enforcing the execution of the insurance laws of its home State, certifying that it is legally entitled to do business in said home State; a copy of the application for membership or insurance, and of each form thereto, if more than one form is used; a copy of the constitution and by-laws and of each and every addition thereof, which must show that all indemnities to beneficiaries are in the main provided for by assessments upon all surviving members. And whenever said company shall fail to pay a valid claim to the full limit named in any policy issued by them to any resident of this State, the Insurance Commissioner shall revoke their authority to do business in this State.

Failure of such companies to pay claims.

SEC. XIV. *Be it further enacted*, That after authorizing such corporation or association to do business in this State, as provided in this Act, the Insurance Commissioner shall issue licenses to agents thereof, to be designated by the corporation or association, to a general agent thereof, authorizing them to act as such agents during the year for which said company is licensed, but such licenses must be renewed annually.

Licenses to agents of assessment companies.

SEC. XV. *Be it further enacted*, That any agent, physician or other person, who shall knowingly secure, or cause to be secured, a certificate of membership on any person without his knowledge or consent, or by means of misrepresentations, false, fraudulent or untrue statements, be instrumental in securing a certificate of membership on any aged or infirm person, or in restoring to membership any person not in an insurable condition, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars, or be imprisoned in a county jail not less than thirty days nor more than one year, or both, in the discretion of the court, and said certificate or renewal so secured shall be absolutely void.

Penalty for falsely or fraudulently procuring insurance, etc.

SEC. XVI. *Be it further enacted*, That every corporation or association, which may be doing business in this State under the provisions of this Act, shall, on or before the first day of March in

Annual report of business.

Regulating the Business of Insurance in this State.

Forms.
Verifica-
tion.
Publica-
tion.

each year after it commences to do business in the State make and file with the Insurance Commissioner of the State a report of its affairs and operations during the year ending the 31st day of December next preceding. Such annual reports shall be made upon blank forms to be provided and furnished by the Insurance Commissioner, and shall be verified under the oath of the President or Secretary, or other like officers, and shall be published, or the substance thereof, in the annual report of said Insurance Commissioner.

Fees to be
paid.

Annual re-
port of
gross in-
come.

Tax on.

Tax on
property.

SEC. XVII. *Be it further enacted*, That there shall be paid to the Insurance Commissioner by each corporation or association, (when it is) authorized to do business in this State under the provisions of this Act, the same fees as required by section eleven of this Act, together with all such subsequent fees as are prescribed under said section eleven. In addition to the foregoing fees, every such corporation or association shall, on or before the first day of July of each year, report under oath of its President and Secretary, or other like officers, to the Insurance Commissioner the gross amount received on business done in this State during the year ending the 30th of April next preceding, and shall at the same time pay into the treasury of this State a tax of one dollar upon each one hundred dollars of such gross amount so received by said association or corporation; *Provided*, however, that if such corporation or association should at any time be the owner of any real or personal property situated in this State, such property shall not be exempt from taxation by reason of the provisions of this section.

Failure to
make such
report or
to pay tax.

SEC. XVIII. *Be it further enacted*, That if such corporation or association shall at any time fail or refuse to make the annual report, or to pay the tax on the gross amount received, as hereinbefore provided, the Insurance Commissioner shall forthwith suspend or revoke all authority to such corporation or association, and all its agents, to do business in this State, and shall publish such revocation in some newspaper published in this State, and may proceed to collect whatever sum of money may be due or owing on account of such tax by suit or action, in the name of the State of Georgia, against such corporation or association.

Exemp-
tion of fra-
ternal,
secret and
industrial
societies,
etc.

SEC. XIX. *Be it further enacted*, That nothing in this Act contained shall apply to or be construed to require any fraternal, or secret, or industrial societies, or other associations exempt by law, now organized or to be organized in this State, to pay any license fee or tax, or to make or file reports with the Insurance Commissioner, or to prevent the same from doing business in this State, when the money, benefit, charity or relief is payable by the grand or supreme body of the same, and is derived from assess-

Regulating the Business of Insurance in this State.

ments on subordinate lodges, councils or other bodies or their members.

SEC. XX. *Be it further enacted*, That any corporation now or hereafter organized under the laws of this State for the purpose of transacting the business of fidelity insurance shall be licensed to transact business upon compliance with all the requirements in this Act prescribed with reference to life insurance companies organized under the laws of this State, so far as the same may be applicable to such fidelity insurance company; any fidelity insurance company incorporated and organized under the laws of any other State of the United States, or foreign governments, and which has a paid-up capital of not less than two hundred and fifty thousand dollars, may be licensed to transact business in this State upon compliance with all the requirements prescribed by this Act, so far as the same may be applicable for license to foreign life insurance companies to transact business in this State. License of fidelity companies

SEC. XXI. *Be it further enacted*, That all live stock and steam boiler insurance companies chartered by this State or other States of the United States, or foreign governments, and doing business in this State, shall be subject to all the requirements of this Act in relation to life insurance companies, except the requirements in relation to valuation of policies. Live stock and steam boiler insurance companies subject to this Act.

SEC. XXII. *Be it further enacted*, That the Insurance Commissioner and such person or persons as may be appointed by him to make inspections are hereby authorized to administer any and all oaths to parties and witnesses, as required under the provisions of this Act. Commissioner and inspectors may administer oaths.

SEC. XXIII. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

Part II.—Corporations.

TITLE . . . I.—RAILROAD COMPANIES.

“ **II.—BANKS, LOAN AND TRUST COMPANIES.**

“ **III.—INSURANCE COMPANIES.**

“ **IV.—EXPRESS, TELEGRAPH AND MANUFACTURING COMPANIES.**

“ **V.—STEAMBOAT, CANAL AND NAVIGATION COMPANIES.**

Part II.—Corporations.

TITLE I.

RAILROAD COMPANIES.

ACTS.

- Changing name of Rome and Carrollton Railroad Company.
Motive power of Metropolitan Street Railroad Company.
Amending charter of Columbus Railroad Company.
Incorporating the North and South Short Line Railway Company.
Incorporating the Brunswick and Atlanta Railroad Company.
Increase of stock of the Darien Short Line Railroad Company.
Amending charter of the Rome Street Railroad Company.
Amending charter of the Georgia Southern and Florida Railroad Company.
Consolidation of the Augusta and Knoxville Railroad, Port Royal and Western Carolina and the Port Royal and Augusta Railways, etc
Incorporating the DuPont, Macon and Florida Railway Company.
Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Company.
Amending charter of the Atlantic, Birmingham and Great Western Railway Company.
Incorporating the Macon and Alabama Railroad Company.
Confirming the charter of the Eatonton and Madison Railway Company.
Incorporating the Thomasville, Florida and West Railway Company.
Incorporating the Cartersville, Marysville and Knoxville Air-Line Railroad Company.
Incorporating the Louisville, Waynesboro, and Alexander Railroad Company.
Amending charter of the West End and Atlanta Street Railway Company.
Incorporating the Ore Belt Railroad Company.
Amending charter of the Brunswick Street Railroad Company.
Amending charter of the Rome and Northeast Railroad Company.
Incorporating the Eatonton and Athens Railroad Company
Amending charter of the Savannah and Western Railroad Company.
Amending charter of the Covington and Macon Railroad Company.
Incorporating the Columbus and Buena Vista Railroad Company.
Incorporating the DuPont, Decatur, Alabama and Florida Air-Line Railroad Company.
Incorporating the Augusta and White Plains Railroad Company.
Incorporating the Albany Street Railroad Company,
Incorporating the North Georgia and St. Andrew's Bay Railroad Company.
Incorporating the Savannah, Vernon and Rosedew Railroad Company.
Confirming to the Florida Midland and Georgia Railroad Company charter obtained under general railroad law.
Incorporating the Metropolitan Street Railway Company, of Macon.
Amending charter of the City and Suburban Railway, of Savannah, Georgia.
Incorporating the Central City Railroad Company
Incorporating the Alabama Midland Railway Company.
Incorporating the New Life Water Power and Granite Railway Company.

Changing Name of Rome and Carrollton Railroad Company.

Incorporating the Waycross Air-Line Railroad Company.
 Incorporating the Augusta, Thomasville and Gulf Railroad Company.
 Amending charter of the Atlanta and Hawkinsville Railroad Company.
 Incorporating the LaGrange Street Railroad Company.
 Incorporating the Long Shoals and Rockland Railroad Company.
 Incorporating the Macon City and Suburban Railway Light and Water Power Company, of Macon, Georgia.
 Incorporating the Blue Ridge Railroad Company.
 Amending charter of the Georgia Midland and Gulf Railroad Company.
 Amending charter of the Thomasville and Augusta Railway Company.
 Incorporating the Lexington Terminal Railroad Company.
 Incorporating the Augusta, Gibson and Sandersville Railroad Company, etc.
 Amending charter of the West End and East Point Street Railroad Company.
 Amending charter of the Atlanta and Elgewood Street Railroad Company.
 Amending charter of the Elberton Air-Line Railroad Company.
 Amending charter of the Fulton County Street Railroad Company.
 Incorporating the Thomasville and Ty Ty Railroad Company.
 Incorporating the Chattanooga Southern Railway Company.
 Incorporating the Buena Vista and Ellaville Railroad Company.
 Incorporating the Albany and Bainbridge Railroad Company.
 Incorporating the Newton, Morgan and Lumpkin Railroad Company.
 Incorporating the Catoosa Springs Company with power to construct railroad.
 Incorporating the Gainesville and Columbia Railroad Company.
 Incorporating the Eastman and Americus Air-Line Railroad Company.
 Incorporating the Blue Ridge and Atlantic Railroad Company.
 Incorporating the Albany, Cuthbert and Western Railroad Company.
 Incorporating the Carrollton, Marietta and Western Railway Company.
 Incorporating the Lookout Mountain, Lula Lake and Gadsden Railroad Company.
 Incorporating the Thomasville and Northern Railway Company.
 Incorporating the Atlanta City and Suburban Street Railroad Company.
 Incorporating the Great North and South Railway Company.
 Incorporating the Washington Street Railway Company.
 Incorporating the Tallulah Falls Railroad and Imp. Company.
 Incorporating the Holcomb and Hawkinsville Railroad Company.
 Incorporating the Jackson and Indian Springs Railway Company.

CHANGING NAME OF ROME AND CARROLLTON RAILROAD COMPANY.

No. 140.

An Act to amend "An Act to incorporate the Rome and Carrollton Railroad Company," approved August 30th, 1881, and the various Acts heretofore passed amending said Act, so as to change the name of said corporation from "the Rome and Carrollton Railroad Company" to "the Chattanooga, Rome and Columbus Railroad Company."

Charter
 amended.
 Name
 changed to
 the Chat-
 tanooga,
 Rome and
 Columbus
 R. R. Co.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Act incorporating the Rome and Carrollton Railroad Company, which was approved on the 30th day of August, 1881, and all Acts amending said Act be, and they are hereby amended so as to change the name and style of said

Motive Power of Metropolitan Street Railroad Company.

corporation from "the Rome and Carrollton Railroad Company" to "the Chattanooga, Rome and Columbus Railroad Company."

SEC. II. *Be it further enacted*, That said corporation, under and in its new name and style, shall have all the rights, powers, privileges and immunities that have been conferred upon the Rome and Carrollton Railroad Company by said original Act of incorporation and all the Acts amending the same. Old rights, etc., preserved.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved August 29th, 1887.

MOTIVE POWER OF METROPOLITAN STREET RAILROAD COMPANY.

No. 156.

'An Act to amend an Act to incorporate the Metropolitan Street Railroad Company, and for other purposes," approved December 12th, 1882, so as to authorize said company to use any motive power for its cars on any of its lines that its officers may think best for its interest.

SECTION I. *The General Assembly of the State of Georgia do enact*, That the Metropolitan Street Railroad Company is hereby fully authorized and empowered to use steam, electricity, or any other motive power that its officers may deem desirable and best for its interest, upon any of its lines now built or to be hereafter constructed; *Provided*, that should any other motive power other than horse power be used within the limits of the city of Atlanta or the town of West End, said company shall first obtain the consent of said city or said town through whose streets it lines may run. May use any motive power its officers may deem best.
If consent of municipal authorities be had.

SEC. II. That all laws and parts of laws conflicting with the above Act be, and the same are hereby repealed.

Approved September 9th, 1887.

AMENDING CHARTER OF THE COLUMBUS RAILROAD COMPANY.

No. 163.

An Act to amend an Act to incorporate the Columbus Railroad Company, and for other purposes, approved March 9th, 1886, by allowing said company to extend its line to any points in the county of Muscogee; to allow it to propel its cars over its said lines by steam power; to provide the mode and manner of condemning rights-of-way for its said tracks; to provide for the extension of the corporate existence of said company; to increase the capital stock of said company, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That section three of said Act, which now reads as follows: "That the capital stock shall be divided into twenty-five hundred shares of stock of twenty dollars each, which may be increased from time to time by a vote of a majority of the stockholders, not to exceed two hundred thousand dollars," shall be altered and amended so as to read as follows: The capital stock of said company shall be twenty-five thousand dollars and shall be divided into shares of twenty dollars each, which said capital stock may be increased from time to time by a vote of a majority of the stockholders, not to exceed two hundred and fifty thousand dollars. Said railroad company shall have power to make and issue bonds to such an amount, in such denominations and for such a rate of interest, not exceeding seven per cent. per annum, payable at such times and places as they may determine, and to secure the payment of the principal and interest of said bonds by mortgages or deeds or trust of its railroad, real and personal property, franchises and all other rights of property.

SEC. II. *Be it further enacted by the authority aforesaid,* That section 5th of the above recited Act, which now reads as follows, "That the said Columbus Street Railroad Company shall not employ any steam engines upon their lines without the consent of the City Council of Columbus, who in granting the order allowing the same shall prescribe the rules to be observed by said company and by individuals to avoid injury to persons and property by the use of said engines," shall be altered and amended so as to read as follows: That the Columbus Railroad Company be, and the same is hereby allowed to propel its cars on any of its

Amending Charter of the Columbus Railroad Company.

lines now built, or hereafter to be constructed, by steam engines, the consent of the municipal authorities having been already granted; that said cars shall not be propelled through the streets of said city at a greater rate of speed than at the rate of six miles per hour. The ordinance of the Mayor and Council of the city of Columbus, heretofore made to prevent the obstruction of the track of said railroad by person or vehicle, is hereby made a part of this Act.

SEC. III. *Be it further enacted by the authority aforesaid,* That section 6th of said Act, which now reads as follows: "That the said Columbus Street Railroad Company may extend any one or more of their lines of road in the county of Muscogee, over and beyond the corporate limits of said city, not more than one mile from the present corporate limits, should they see proper so to do, and in that event the damages to the owners of the strip or strips of land through which said road may run shall be ascertained and settled in the same manner as is prescribed by the charter of the Central Railroad and Banking Company," be altered and amended so as to read as follows:

That the said Columbus Railroad Company shall have full power and authority to extend its lines to any points in the county of Muscogee, and for that purpose are empowered to enter the land of any person; to acquire by gift or purchase real estate or other property for the construction, maintenance and accommodation of said railroad, and to hold and use such real estate and other property useful for the same, and for stations, connections with other railroads, terminal facilities and all other accommodations necessary to accomplish the objects of said company, and to lease, buy and mortgage all lands necessary for its use, or they may sell the same; to lay out its line of railroad beyond the present limits of the city of Columbus on a right-of-way not more than one hundred feet in width, and for the purpose of cutting and felling and for obtaining gravel and material, to take as much land as necessary for proper construction and security of said railroad, and to remove trees and other obstructions on the right-of way and road, making compensation therefor in the manner hereinafter prescribed; to construct its railroad across, along and upon any water course or highway, and along or across any other railroad which the routes of its railroad shall intersect or touch; to cross, intersect, join or unite its railroad with any railroad heretofore or hereafter constructed at any point in its route or upon the ground of any other railroad company, with the necessary turnouts, sidings and switches and other conveniences necessary in the construction of the railroad, and may run over the right-of-way or lands of any railroad now or hereafter constructed in said county; *Provided*, that said rail-

Sec. 6
amended.
Extension
of lines.

Right-of-
way, etc.

Right-of-
way of
other rail-
roads.

Amending Charter of the Columbus Railroad Company.

road shall not run over more than one mile of the right-of-way of any one railroad already constructed.

Disputes
as to right
of-way.

When said company and any person or corporation through or on whose lands it is desired said railroad shall be located and constructed cannot agree on the amount to be paid by the company for the right-of-way desired, then, notwithstanding the disagreement, it shall and may be lawful for said company to construct its railroad over any land belonging to other persons or corporations and across the rights-of-way and tracks of other railroads upon paying to the owner thereof, or to his, her or their authorized representatives, just and reasonable compensation for the right-of-way or needed land, which compensation, when not agreed upon, shall be fixed and determined in the following manner:

Assessors.

The company shall choose one person, a citizen of this State, as its assessor, the person or corporation owning the right-of-way or land over and on which it is sought to build or construct such railroad may choose another citizen as an assessor. If the person or persons owning such land or right of-way shall fail or refuse to choose an assessor, or shall be a minor, lunatic, idiot, or other person laboring under a disqualification in law, without a legal representative, it shall be and is hereby made the duty of the Ordinary of Muscogee county to make the selection of assessor for the owner; *Provided*, that the company shall give notice to said Ordinary that the owner fails or refuses to make selection of an assessor, or that he or she has no legal representative and is a minor, lunatic, idiot, or is otherwise disqualified in law from making such selection. The two assessors thus selected,

Oath.

shall make choice of a third assessor; the three thus selected shall be sworn before an officer authorized to administer an oath to do justice between the parties, and after hearing all competent evidence offered by either party touching the benefits as well as the damages that will result to the owner from the loca-

Evidence.

tion of the railroad on such land or right-of-way, or on such track, the said assessors, or a majority of them, shall assess the damages to be paid by the railroad company, or value the property sought to be condemned, as the case may be; their award shall be made in writing, shall specify the amount to be paid, and designate the right-of-way, or the property so condemned, and when made shall be filed in the office of the Clerk of the Superior Court of Muscogee county; the clerk shall record the award in his office, and shall, if not appealed from, have the force and effect of a judgment of the Superior Court.

Award.

Appeal.

Either party dissatisfied with the award shall have the right of appeal to the Superior Court by giving written notice to the other party within ten days after said award has been filed and enter-

Amending Charter of the Columbus Railroad Company.

ing an appeal in writing to the Superior Court of Muscogee county. In case the owner of the land is under a disability, as provided in this section, and without a legal representative, the Ordinary may give the notice for such disabled person, and in same manner service in a similar case may be given to the Ordinary; where the company may enter an appeal, an issue shall be made on such appeal and tried in said Superior Court, as cases at common law, with right to either to accept and carry same before the Supreme Court. If the appeal is entered by the railroad company, they shall give bond with security for the payment of the amount adjudged on the final hearing. Should no appeal be entered within ten days, and the company fail or refuse to pay the amount of the award, then the Clerk shall, on application of the owner, or Ordinary where he is authorized to act, issue execution on said award, and proceedings shall be had thereon as in cases of judgments and executions in the Superior Court. All sums collected by the Ordinary for persons unrepresented and laboring under any of the disabilities contemplated shall be held by him for the use of such person, and he shall cause proper legal representatives of such person to be made, and the amount recovered shall be held and treated as a part of the estate of such disabled person, and in all cases the right-of-way condemned shall vest and remain in the said company according to the terms of the award.

Execution.

Disposition of sums collected.

Said company shall have the same power and authority to purchase, hold, improve, alien, sell and convey any real estate in said county of Muscogee, as is possessed by law by any individual citizen of this State, but its right to condemn land shall only be used for obtaining rights-of-way.

Power of company as to real estate.

SEC. IV. *Be it further enacted by the authority aforesaid,* That section ten of the above recited Act, which now reads as follows, "That this charter shall continue in force for thirty years," be altered and amended so as to read as follows:

Sec. 10 amended.

That this charter shall continue in force for fifty years from and after the passage of this Act, and the stockholders of said company having heretofore duly and legally organized under said Act of March 9th, 1866, the corporate powers and privileges conferred on them by the provisions of said Act, as amended by the provisions of this Act, are hereby enacted, extended and given the force and effect of law during the full term of said charter as by this Act amended and extended.

Term of charter.

SEC. V. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 10, 1887.

Incorporating the North and South Short Line Railway Company.

INCORPORATING THE NORTH AND SOUTH SHORT LINE RAILWAY COMPANY.

No. 174.

An Act to incorporate "The North and South Short Line Railway Company."

CORPORATORS. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That C. L. Harvell, W. H. Whaley, D. W. Nickolson, William Prichett, and their associates and successors, be, and are hereby made and constituted a body corporate under the name and style of "The North and South Short Line Railway Company," with power under and by said name to sue and be sued, plead and be impleaded, contract and be contracted with; to purchase, receive, hold and sell real and personal property, and the same to mortgage and convey; to borrow money and mortgage its franchises, right-of-way, road-bed, rolling stock, equipments and all other property as security for the same; to have and use a common seal and to establish by-laws for the government and conducting the business of said corporation.

CAPITAL STOCK. SEC. II. *Be it further enacted,* That the capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and each share shall entitle the holder thereof to one vote in all meetings of the stockholders. Said stock may be increased by a vote of two-thirds of the stockholders at any regular meeting to an amount not exceeding two and a half millions if deemed necessary.

ORGANIZATION. SEC. III. *Be it further enacted,* That whenever one-half of said capital stock shall be subscribed, a meeting of the stockholders shall be held and said company organize by the election of not less than five or more than thirteen directors, who shall hold their offices for one year and until their successors are elected, who shall be charged with the management of said corporation. **DIRECTORS.** They shall elect one of their number as president and appoint all other officers, agents, employees and servants necessary to carry on the business of said company and prescribe their duties, and may require of each such bond for the performance of the same as they may deem necessary. **OFFICERS.** They shall call a meeting of the stockholders at least once annually, to whom they shall make a full report of their management of said company for the preceding year. **STOCKHOLDERS' MEETINGS.**

ROUTE. SEC. IV. *Be it further enacted,* That said railway company is hereby authorized and empowered to survey, build, equip and

operate a railroad from the city of Augusta, by the way of Jesup, through the counties of Richmond, Burke, Emanuel, Bullock, Tattnall, Liberty, Wayne and Camden to a point on the line of Georgia and Florida and there connect with a railroad now built, or which may be hereafter built, extending southward into the State of Florida. Said railroad may also connect at its northern terminus with such other road as may be deemed best for its interests, and may make business and traffic arrangements with any road already built or which may hereafter be constructed: *Provided*, that such connection or business and traffic arrangements shall not have the effect to lessen competition.

SEC. V. *Be it further enacted* That in the event that said railway company does not procure from the owner or owners thereof, by contract, lease or purchase, the title to the lands or right-of-way or other property necessary or proper for the construction of said railroad, its branches or extensions, or its depots, wharfs, docks or other terminal facilities necessary or proper for it to reach its freight or passenger depot, in any town, village or city in this State, it shall be lawful for said railway company to construct its railroad over any lands belonging to other persons upon paying to such persons, or their legal representatives, just and reasonable compensation for the same, and when the parties cannot agree upon the damage to the owner or owners of the land or other property which said railroad company seek to condemn, the said railroad company shall choose one of the citizens of this State as its assessor and the owner or owners or controllers of the property sought to be condemned shall choose another citizen of the State as his or their assessor and these two shall choose a third citizen, to whom the question of damage shall be submitted, and their award if acceptable to both parties shall be filed and recorded in the Clerk of the Superior Court's office of the county where said property lies and shall pass the title of said property to said railway company. In case the owner or owners of any lands or other property, sought to be condemned, shall fail or refuse to select an assessor or shall be an insane person, idiot, lunatic or minor or under any legal disability whatever, and have no legal representative, it shall be the duty of the Ordinary of the county in which said property is situated upon the application of said railway company to select an assessor for said persons, so failing or refusing or under such disability, and the person so chosen shall, with the one chosen by said railway company, choose a third and their award shall have the same force and effect as above stated; *Provided*, that in either case, said assessors shall be duly sworn before some officer qualified to administer oaths to do justice between the parties and shall hear all legal evidence

Connection with other roads

Proviso.

Disputed right of-way.

Assessors.

Award.

Failure to select assessor.

Oath of assessors, etc

Incorporating the Brunswick and Atlanta Railroad Company.

that may be offered by either party. And where the award is not unanimous, a majority shall make the award, and shall file the same as above stated; *provided further*, that either party dissatisfied with said award shall have the right, upon giving ten days' notice to the other party, to appeal to the Superior Court, which said case shall be tried in the Superior Court as other appeals, and the verdict of the jury shall be final, unless excepted to, as in other cases in said Superior Courts, and in no case appropriate such property before just and reasonable compensation shall be paid therefor.

SEC. VI. *Be it further enacted*, That the charter herein granted to said company shall be forfeited if said railway company should sell or alien its franchises before ten miles of its road is completed and equipped, and if five (5) years elapse before it in good faith begins the construction of its line, or if before the beginning of the construction of said road five per cent. of said subscription thereto is not paid in.

SEC. VII. *Be it further enacted*, That all laws and parts of laws militating against this Act be, and the same are hereby repealed.

Approved September 13, 1887.

INCORPORATING THE BRUNSWICK AND ATLANTA RAILROAD COMPANY.

No. 188.

An Act to incorporate the Brunswick and Atlanta Railroad Company, and to define its rights, powers and privileges, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That W. E. Kay, C. P. Goodyear, U. Dart and A. H. Cox, and their associates, successors and assigns, be, and they are hereby incorporated under the name and style of the Brunswick and Atlanta Railroad Company, and by that name shall have continuous succession as a corporation.

SEC. II. *Be it further enacted by the authority aforesaid*, That the books of subscription to the capital stock of said corporation shall be open under the direction of said persons named in first section of this Act, or a majority of them acting in person or by proxy, in such place or places, and on such day or days as such persons or a majority of them may deem expedient, and subscription to said capital stock may be received by any one of the said persons, and all subscriptions to such capital stock shall be paid

Incorporating the Brunswick and Atlanta Railroad Company.

in cash, or that which such persons deem its equivalent, in installments as may be called for by the board of directors. Payment of subscriptions.

SEC. III. *Be it further enacted by the authority aforesaid,* That the capital stock of said corporation shall be one million dollars, with the privilege, by a vote of the majority of its stockholders, of increasing the same from time to time, for the purpose of building the said road, or of purchasing or building extensions or branches thereto, or both, or of paying its debts to any sum not exceeding five million dollars. Said capital stock shall be divided into shares of one hundred dollars each. Capital stock.

SEC. IV. *Be it further enacted by the authority aforesaid,* That said corporation shall be entitled to commence operation and exercise all the rights, powers, privileges, functions and franchises granted by this charter as soon as the sum of one hundred thousand dollars has been *bona fide* subscribed on the books of said corporation and ten per centum of said subscription paid in. Authority to begin business.

SEC. V. *Be it further enacted by the authority aforesaid,* That in all meetings of said corporation, each share of stock shall entitle the holder to one vote, to be given in person or by proxy, and said share shall be considered as personal property, and shall be transferable on the books of said corporation in such manner as may be provided for by the by-laws of the company. Vote of stockholders.
Transfers of stock.

SEC. VI. *Be it further enacted by the authority aforesaid,* That the affairs of said corporation shall be managed by the persons named in the first section of this Act, until permanent directors are elected as hereinafter provided; and in case of the death of, or refusal to act, of one or more of said persons as director or directors, the remaining persons shall have the power to elect other persons as directors for the time being to act in their stead. Provisional directors.

SEC. VII. *Be it further enacted by the authority aforesaid,* That the provisional board of directors authorized to act by the preceding section of this Act shall, as soon after the passage of this Act as may be deemed expedient by them, call a meeting of the stockholders of said corporation, to be held at Brunswick, Ga., which meeting when assembled shall proceed to elect a permanent board of directors, a majority of the stock voting being necessary to a choice. First meeting of stockholders.
Election of directors.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That the affairs of said corporation shall be managed by a board of directors, to consist, unless enlarged as hereinafter provided, of seven persons; a majority of said directors shall constitute a quorum for the transaction of business, and they shall be elected annually by the stockholders on such day and time and on such public notice as may be fixed by the by-laws; *Provided,* that at least ten days' notice of all meetings of the stockholders shall be given in some paper fixed by the by-laws. The board of directors shall elect one of their number president, who shall have Board of directors.
President.

Incorporating the Brunswick and Atlanta Railroad Company.

Term and power of directors. such power and authority and perform such duties as may be provided by the by-laws. Said directors shall continue in office until their successors are elected and installed in office. The board of directors shall have power and authority to establish, alter and amend by-laws, rules and regulations for the government of said corporation, and the management of its business, and to appoint a secretary, treasurer, and such other officers as may be necessary for its business. They shall have authority, under such restrictions as may be provided by a majority of the stockholders, to manage and conduct all the business of the corporation of every kind, to make contracts, to borrow money, to give notes, or other evidences of debt, to issue bonds at any time and to execute, if deemed expedient, any deed or deeds, mortgage, or deed, or deeds of trusts, as security for the fulfillment by said corporation of its contracts, obligations and liabilities of any and every kind. They shall have authority to fill all vacancies that may occur in the board of directors or in the offices of said corporation. The stockholders shall have authority to enlarge the number of members of the board of directors from time to time so that the same may consist of not exceeding thirteen members.

Failure to pay for stock. SEC. IX. *Be it further enacted by the authority aforesaid,* That if any stockholder shall fail to pay, according to the terms of his subscription, the sum required of him by the president and directors, or a majority of them, within one month after the same shall have been advertised, it shall and may be lawful for the said president and directors, or a majority of them, to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing, one month's previous notice of the time and place of sale being given by publication in two newspapers published at or near place of sale, and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner or his legal representative, and if the said sale should not produce the sum required to be advanced, with the incidental charges attending the sale, then the said president and directors may recover the balance of the original proprietor, of his assignee, or the executor or administrator of either of them. Any purchaser of stock under the sale by the president and directors shall be subject to the same rules and regulations as the original proprietors.

Principal and branch offices. SEC. X. *Be it further enacted by the authority aforesaid,* That the principal office of said corporation shall be in Brunswick, Ga., but said corporation shall have power to establish branch offices for the transfer of stock or the transaction of its business in such other places as the directors may deem best for its interests, and all notices and legal processes may be served on said corporation

Incorporating the Brunswick and Atlanta Railroad Company.

as now provided or may hereafter be provided by law for service on corporations. Service of process.

SEC. XI. *Be it further enacted by the authority aforesaid,* That said corporation shall have power and authority to construct, purchase, own, operate and maintain a main line of railroad from any point on the Brunswick and Western Railroad, in the counties of Ware, Coffee, Berrien or Worth, in said State, to a connection with the Atlanta and Hawkinsville Railroad, and to build branches and extensions, as may be desired, by filing with the Secretary of State a certificate stating the location of such branch or extension, and to build and construct a line of railroad from any point on its line in the counties of Ware, Coffee, Berrien or Worth, through the counties of Pierce, Wayne and Glynn to Brunswick, Georgia, and said corporation shall have all the powers, facilities, franchises, privileges and rights necessary or proper to successfully accomplish, maintain and carry out the object of its incorporation. It may purchase, condemn and acquire such rights-of-way, not exceeding one hundred and fifty feet in width, as may be necessary or proper, and shall have power to issue stock, borrow money, issue bonds, and secure the same by mortgages or deeds of trust as heretofore provided for. Route, branches, etc.
Rights-of-way.
General powers as to stock, bonds, etc.

SEC. XII. *Be it further enacted by the authority aforesaid,* That said corporation shall have power and authority to establish, maintain and operate lines of steamboats on any navigable stream or streams its line of railroad may touch or cross, and lines of steamboats or steamships at Brunswick, Georgia, and to hold, use and possess all property necessary for such purpose or purposes, and to condemn such land as may be needed for approaches thereto as provided in section fourteen of this Act. General powers as to navigation.

SEC. XIII. *Be it further enacted by the authority aforesaid,* That said corporation is vested with all and singular the rights, powers and authority which are necessary or proper to enable it to locate, construct, use and enjoy and maintain its railroad between the points before mentioned and its steamboat and steamship lines, and said corporation may also cross any other railroad or railroads, and may run over or cross the right-of-way of any other railroad or railroads. It may run over two miles of the track other than the main track of any other railroad or railroads necessary or proper to reach its freight depot; *Provided*, that the general direction and location of said new railroad shall be at least ten miles from any railroad already constructed, but this proviso shall not be construed to refer to any point within ten miles of either terminus, or to prevent said railroads from running as near to each other for said ten miles from either terminus as the interest of such company building the new railroad may dictate; *Provided*, that nothing contained in this Act shall be so construed as to authorize said railroad to condemn or appropriate Crossing and using right-of-way of other railroads.
Proviso.
Savings as to certain railroads.

or use any part of the tracks, road-beds or rights-of-way of the East Tennessee, Virginia and Georgia Railway Company, or of the Savannah, Florida and Western Railway Company.

Disputed
right-of-
way, etc.

Assessors.

Failure to
select.

Oath of.

SEC. XIV. *Be it further enacted by the authority aforesaid,* That in the event that said corporation does not procure from the owner or owners thereof by contract, lease or purchase the title to the land or rights-of-way necessary or proper for the construction or connection of its said railroad, or its branches, or extensions, as may be necessary or proper for it to reach its freight depot or passenger depot as aforesaid, or as shall be necessary for the proper conduct of its railroad or steamboat or steamship business as aforesaid, it shall be lawful for said corporation to construct its railroads over any lands belonging to other persons or corporations, or over such right-of-way or tracks of other railroads as aforesaid upon paying to the owner thereof, or to his or her or its legally authorized representative, just and reasonable compensation for the right-of-way, which compensation, when not otherwise agreed upon, shall be assessed and determined as follows, to-wit: when the parties do not or cannot agree upon the damage done such other railroad companies for the use of its right-of-way or track as aforesaid, or to the owner or owners of the land which the corporation seeks to appropriate as a right-of-way or for its purposes and use, the corporation shall choose one of the citizens of this State as its assessor, and the person or persons or corporation or railroad company owning the land sought to be taken, or the right-of-way or track sought to be used, shall choose another as his, her, its or their assessor, and in case the person or persons or corporation owning such land, or a majority of such persons, if more than one person owning such lands, or such railroad company owning such right-of-way or track sought to be used, should fail or refuse to make such choice or select some one to represent his, her, its or their interest, or should be an insane person, idiot, lunatic or minor, or under any legal disability from any one cause whatever, and have no legal representative, then it shall be the duty of the Ordinary of the county in which such property or right-of-way or use of track so sought to be condemned is situated to make such selection for such owner or owners or railroad company so failing or refusing, or unable to make the same as aforesaid; *Provided*, that said corporation gives notice to such Ordinary that such owner or owners or railroad company refuse or fails to act as aforesaid, or is an insane person, idiot, lunatic, minor or under any disability from other cause and has no legal representative, and the two assessors thus selected shall choose a third assessor, and the three assessors so selected shall be sworn

Incorporating the Brunswick and Atlanta Railroad Company.

to do justice between the parties, and after hearing such evidence as may be offered shall make their award as herinafter provided. If the two assessors select by the parties shall fail for five days to agree upon a third assessor, then the Judge of the Superior Court of the county where the land, right-of-way or use of track is shall appoint such third assessor. Said three assessors, or a majority of them if the three fail to agree, shall assess the damage done to such owner or owners of land or right-of-way and right to use the same or such track sought to be used or of such land sought to be condemned, as the case may be, or of the value of the property so sought to be condemned, and shall make their award in writing, stating what sum such corporation shall pay for the right-of-way, right to use such track or land so sought to be condemned by it, and they shall file their award within ten days after it is made in the office of the clerk of the Superior Court of the county where such lands or right-of-way or track sought to be used or condemned is located, and the said clerk shall record the same on the books of minutes of said court, and it shall have all the force and effect of a judgment or decree rendered by the Superior Court of said county, and in case either party is dissatisfied with said award, the party so dissatisfied, and in case he or she or they be under disability and have no legal representative, the ordinary aforesaid as such representative of such party shall have the right by giving written notice to the other party within ten days from the time said award is filed as aforesaid in said clerk's office to enter an appeal in writing from said award to the Superior Court of the county where said award is filed as aforesaid, in said clerk's office, and at the next term of said court, unless continued for legal cause, it shall be the duty of the judge presiding in said court to cause an issue to be made up as to the damage or valuation of said land, right-of-way or right to use such track, as the case may be, and the same to be tried with all the rights for hearing and trying said cause in the Superior Court and in the Supreme Court as provided for cases at common law. Should no appeal be entered from said award within said time, and should said corporation fail to pay the sum, it shall be the duty of the clerk of the Superior Court, upon the request of any person interested, to issue execution upon such award as in other cases of judgments from the Superior Courts, and said execution may be levied upon any of the property of said corporation as in cases of other executions, and if such land-owner or land-owners be insane, lunatic or an idiot, or minor, or under disability from any other cause, and have no legal representative, then and in that event, said sum so awarded, or found due by said corporation for the land so taken, shall be

Third assessor.

Award.

Appeal.

If no appeal.

Payments under award.

Incorporating the Brunswick and Atlanta Railroad Company.

paid to the ordinary, and he shall cause the same to be invested for the use of such owner, or owners, and to this end he shall appoint such guardian or other legal representative to take hold, manage and control such fund as is usual, necessary or proper, and said right-of-way and right to use said track shall vest in said corporation for all railroad and telegraph purposes contemplated by the laws of the State in the condemnation of private property for public uses: *Provided*, that no property of citizen or corporation shall be taken, used or damaged until just and adequate compensation has been first paid.

Proviso.

Merged,
etc., with
other rail-
roads.

SEC. XV. *Be it further enacted by the authority aforesaid*, That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real and personal, and mixed, franchise, rights, privileges and property with any other railroad company or companies chartered by and organized under the laws of this or any other State or States, whenever two or more railroad companies so to be merged or consolidated shall and may form a continuous line of railroad with each other, or by means of any intervening road or roads, and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name or style as a majority of the stockholders may determine, and the number of the directors of the said consolidated corporation shall consist of not less than seven nor more than thirteen persons, and the stockholders shall determine which. Said directors, or a majority of them, shall elect a president, and shall appoint such officers and agents as may be deemed necessary, shall establish a common seal and do such other acts as may be necessary for the conduct of the corporation so formed; and the said directors, or a majority, may establish the principal office of said consolidated company at such place as they may deem best;

Proviso.

Service of
process.

Proviso as
to competi-
tion, etc.

Provided, that said consolidated company maintains in this State an office or offices, and agent or agents, upon whom process may be served; *Provided*, that said company shall not be authorized to make any consolidation with, or purchase, lease or contract of or with, or to any other railroad within or without this State that will either directly or indirectly defeat or lessen competition, or that will result in making the company a foreign corporation.

Right of
other cor-
porations
to acquire
interest in
this, etc.

SEC. XVI. *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for any railroad or transportation company created by the laws of this State or any other State from time to time to subscribe to or purchase, and to hold the stock and bonds, either of this company or of any other company formed under section 15, or to guarantee or endorse such bonds or stock, or either of them, and it shall and may be lawful for any railroad or transportation company or companies, created by the laws of this or any other State, to purchase, use or lease the roads, property and franchises of this company, or of the company

Sale or
lease.

Increase of Stock of the Darien Short Line Railroad Company.

formed under section 15, for such times and upon such terms as may be agreed upon between this company and such company or companies as shall be parties to the contract; that it shall be lawful for this company, or the company formed under section 15, to subscribe to or purchase, and to hold the stock or bonds, or both, of any other railroad or transportation company chartered by this or any other State, or to guarantee the bonds or stock of any such company, or to purchase, lease or use, or operate the road or line, property or franchises of any such railroad or transportation company; *Provided*, that the road or line of such company shall directly, or by means of one or more intersecting roads or lines, be connected with the road of this company; *Provided*, that none of the rights, powers or privileges granted in this section shall be used to defeat or lessen competition.

Authority to this company to acquire interest in others.

Purchase, lease, etc.

Proviso.

Proviso.

SEC. XVII. *Be it further enacted by the authority aforesaid*, That this charter shall become void unless the railroad herein contemplated shall be built within five years, but in event the railroad is so completed, this charter shall remain of force for fifty years from the passage of this Act.

Forfeiture of charter.

SEC. XVIII. *Be it further enacted*, That the franchises conferred by this charter shall be null and void in the hands of any transferees if this charter is transferred before twenty miles are graded, fully ironed and equipped with rolling stock.

Forfeiture if transferred before certain event.

SEC. XIX. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 20th, 1887.

INCREASE OF STOCK OF THE DARIEN SHORT LINE RAILROAD COMPANY.

No. 200.

An Act to amend an Act incorporating "The Darien Short Line Railroad Company," approved September 19, 1885, so as to allow said railroad company to increase its capital stock.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the words, "five hundred thousand dollars," in the fifth line of section fourth of said Act, be stricken, and the words, "twenty thousand (\$20,000) dollars per mile," be inserted in lieu thereof, so that said section shall read as follows:

Capital stock may be increased to \$20,000.00 per mile.

"Be it further enacted, That the capital stock of said company shall be fifty thousand dollars, but may be increased from time

Amending Charter of the Rome Street Railroad Company.

to time by its Board of Directors or by the stockholders of said company, as they may deem expedient or necessary, to such amount, not exceeding twenty thousand dollars per mile, as they may determine, which shall be divided into shares of one hundred dollars each

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved September 21, 1887.

AMENDING CHARTER OF THE ROME STREET RAILROAD COMPANY.

No. 201.

An Act to amend an Act entitled an Act to incorporate the Rome Street Railroad Company and to define its powers, etc., approved on the 12th day of December, 1884.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That said street railroad company may use as motive power for their cars, motors, commonly called dummy engines, propelled by steam, or any other steam motor that may be hereafter invented or used, which are, or may be as well adapted to the purpose as are dummy engines now in general use, on the following streets and along all or any part thereof, the said city and towns having already consented thereto, as evidenced by their official action exhibited to this General Assembly, to-wit: Broad, Howard and Bridge streets in the city of Rome, the extension of Howard street and such other streets in the fourth ward of said city as it may be necessary to use in reaching the present bridge on Bridge street, from the West Rome depot in said ward. When a new bridge is built at that site, and may pass over the bridges in said city, subject, however, to such regulations for the safety and convenience of the traveling public and the safety and preservation of the bridges, as may be prescribed from time to time by the Board of Commissioners of Roads and Revenues of Floyd county, the rate of speed not to exceed four miles an hour. No weight or load shall be carried on or over any of said bridges by said company that will subject the same to a greater stress than that shown to be safe by the strain sheets of said bridges and the tracks laid thereon shall be so arranged and kept by said company in such condition as not to interfere with free travel thereon for vehicles: *Provided*, however, that whenever a majority of the Board of Commissioners of Roads and Revenues of

Motive
power.

Route,
etc., in
Rome.

Speed.
Crossing
bridges.

Proviso.

Amending Charter of the Rome Street Railroad Company.

Floyd county shall by resolution declare that the running of said engines and cars over any of said bridges has been found to be an interference with, or dangerous and unsafe to the traveling public thereon, or injurious to said bridges, then and in that event said company shall cease to run its engines across the same; said engines may also be used on the following streets in East Rome: South Walnut, Oak and Howard avenues, and along the following public roads, to-wit: The road known as Dean street to H. M. Tanner's residence, that portion of the Cedartown road lying between the property of the Rome Land Company and that of B. A. Connelly, Miller and Sons, Hamilton Yancy, J. B. S. Holmes, and the Messrs. Jones, and through any and all portions of the lands of the Rome Land Company, providing said company shall consent thereto, with the right to use and cross the said public roads and to cross railroad tracks whenever and wherever it may be necessary to do so, to build a continuous line of road through said lands, and through the lands of any other person, provided such person shall first consent thereto, or just and adequate compensation is first paid to them. The right to condemn a right-of-way, not to exceed fifty (50) feet in width, over any and all lands, not occupied by buildings, that may be necessary and proper for said street railroad is hereby given to said company. The proceedings for such condemnation and the assessment of damages therefor shall be as hereinafter provided. Also, the following streets in South Rome: Pennington and Branham avenues, Main street and Cave Spring road as far south as the Mobley Spring, and along Broad street in Printup City and Forestville to Printup City depot, and in any street or streets in the city of Rome or in said towns, provided said city or town authorities shall first consent thereto, and provided that said company shall not lay its track in any public roads other than those herein named without the consent of the Board of Commissioners of Roads and Revenues of Floyd county, and the roads herein authorized to be used shall be left in good condition and of sufficient width for public travel. In no case shall the macadam or stone track or beaten track of said roads be taken or used for car tracks except to cross the same. The general law of force governing railroads, as to crossing public roads and railroads, shall apply to said street railroad as fully as if the same was an ordinary railroad.

Route in East Rome etc.

Right-of-way.

Route, etc., in South Rome.

Crossing roads.

SEC. II. *Be it further enacted*, That said company shall have power and authority to extend its lines as much as five miles beyond the corporate limits of the city of Rome along any public road or street of any town adjacent to the city of Rome; *Provided*, that the consent of the Board of Commissioners of Roads and Revenues of Floyd county shall first be had and obtained

Extension of lines.

Municipal authorities must consent.

Amending Charter of the Georgia Southern and Florida Railroad Company.

before any public road shall be taken or used for such purposes, and the consent of the town authorities shall first be had before any streets are taken or used for such purposes.

Powers as
to real
estate.

SEC. III. *Be it further enacted*, That said company may own and hold any real estate that may be purchased by or conveyed to it for stations or parks in, or near its line, and may embrace all such property in any mortgage hereafter made under authority granted by Section II. of the Act, passed October 7th, 1885, amending the Act of incorporation of which this Act is amendatory.

Disputed
rights-of-
way.

SEC. IV. *Be it further enacted*, That all disputed rights-of-way may be acquired by said company as provided by section 1689 (1) of the Code of Georgia of 1882, and all the provisions of said section shall be held, taken and considered as a part of this Act so far as the same may be applicable.

SEC. V. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21st, 1887.

AMENDING CHARTER OF THE GEORGIA SOUTHERN AND FLORIDA RAILROAD COMPANY.

No. 205.

An Act to amend the charter of the Georgia Southern and Florida Railroad Company so as to authorize consolidation with said company of railroads in Florida, the building of certain branch lines, and for other purposes.

Consolidation
with
Florida
railroad.

SECTION I. *Be it enacted by the General Assembly of this State*, That the charter of the Georgia Southern and Florida Railroad Company as incorporated by Act of the General Assembly, approved September 28th, 1881, and amended by Act of the General Assembly, approved October 16th, 1885, be amended as follows: Said Georgia Southern and Florida Railroad Company shall have power and authority under their charter to consolidate with said company any railroad company in the State of Florida, either now chartered or constructed, or which may be hereafter chartered or constructed, and which is or may be, by the laws of the State of Florida, authorized to be so consolidated, and after such consolidation to issue bonds upon the whole line of road in both of said States, and to secure the same by mortgage or deed of trust to and upon all the property and franchises of said railroad in both of said States, said consolidation to be had and made after the acceptance of this amendment by the stock-

Consolidation Augusta & Knoxville R'd, Port Royal & West. Car. & Port Royal & Augusta R'ys, etc.

holders of said Georgia Southern and Florida Railroad Company who have subscribed thereto the amount provided by the charter of said company as amended by Act, approved October 16th, 1885, and have paid on their subscription the amount required by said amendment; *Provided*, nothing herein contained shall be so constructed as to permit said railroad company to become a party to any agreement which may have the effect of lessening or defeating competition or encouraging monopoly. Proviso as to competition.

SEC. II. *Be it further enacted*, That said charter be further amended as follows: said Georgia Southern and Florida Railroad Company shall have full power and authority to construct, equip and use branch lines from the main line of said railroad to Hawkinsville, in Pulaski county, and to Thomasville, in Thomas county, and thence to the Florida line, with the same rights and privileges as to said branch lines as are conferred by the charter and amendments thereto as to the main line of said railroad. Branch lines.

SEC. III. *Be it further enacted*, That said charter be further amended as follows: that upon such consolidation being had and upon the building of such branches or either of them being determined upon the capital stock provided by the original charter said company may be increased so that the capital stock may be the same per mile for the number of miles added by such consolidation or by the addition of such branch lines as is now authorized by the original charter and the amendments thereto for the line to be constructed under such charter and amendment. Increase of capital stock.

SEC. IV. *Be it further enacted*, That the amendments provided by this Act shall be additional sections and provisions of such charter and not amendments to any section thereof. Amendments herein to be additional sections of charter.

SEC. V. *Be it further enacted*, That all laws in conflict with this Act be repealed.

Approved September 21, 1887.

CONSOLIDATION OF THE AUGUSTA AND KNOXVILLE RAILROAD,
PORT ROYAL AND WESTERN CAROLINA, AND THE PORT
ROYAL AND AUGUSTA RAILWAYS, ETC.

No. 210.

An Act to ratify the consolidation of the Augusta and Knoxville Railroad Company with the Port Royal and Western Carolina Railway Company, and to authorize the Port Royal and Augusta Railway Company to consolidate with said last-named company, and to authorize the Augusta and Knoxville Rail-

Consolidation Augusta & Knoxville R'd, Port Royal & West. Car. & Port Royal & Augusta R'ys, etc.

road Company and the Port Royal and Augusta Railway Company to mortgage their property and franchises.

Preamble. WHEREAS, under the laws of South Carolina certain railroad companies, to-wit, the Augusta and Knoxville Railroad Company, the Greenwood, Laurens and Spartanburg Railroad Company, the Savannah Valley Railroad Company, and the Greenville and Laurens Railroad Company, have become one corporation, under the name of the Port Royal and Western Carolina Railway Company; and

WHEREAS, the Port Royal and Augusta Railway Company is authorized by the laws of South Carolina to consolidate with said The Port Royal and Western Carolina Railway Company, and may do so; and

WHEREAS, by an Act of the General Assembly of South Carolina, approved December 21, 1886, said consolidated company, The Port Royal and Western Carolina Railway Company, whether the same include all of the said corporations or only a part of them shall have authority to issue bonds and to secure the payment of the same by mortgage of its corporate property and franchises, including the franchise to be a corporation: Now, therefore, be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met:

Consolidation of Aug. and Knox. R. R. and Port Royal and West. Car. Railway ratified.

SECTION I. That the consolidation of the Augusta and Knoxville Railroad Company, so far as said company is a corporation under the laws of this State, with the Port Royal and Western Carolina Railway Company be, and the same is hereby ratified.

Port Royal and Aug. authorized to consolidate with Port Royal and West. Car. Railway.

SEC. II. That the said Port Royal and Augusta Railroad Company, so far as it is a Georgia corporation, be authorized to consolidate with the said Port Royal and Western Carolina Railway Company.

Issue of bonds by consolidated company.

SEC. III. That said Port Royal and Augusta Railway Company and the said Augusta and Knoxville Railroad Company, either or both, as a part or parts of said consolidated company, shall have authority to join in the issue of bonds of said consolidated company to such an amount and in such denominations and bearing such rate of interest and payable at such times as the Board of Directors of said consolidated company may determine, and securing the payment of the same by joining in a mortgage by said consolidated company, which mortgage shall include the corporate property and franchises of one or both (according as one or both shall be a part of said consolidated company), including the franchise to be a corporation; *Provided*, however, that the said consolidated company shall be liable and bound to all creditors *ex delicto* of either of the companies included in the consolidation, to the same extent as if the liability had been incurred by the consolidated company; and in pursuing their rights, such creditors shall not be bound to show the value of the property (of

Mortgage.

Creditors *ex delicto*.

 • Incorporating the DuPont, Macon and Florida Railway Company.

the company against which the original liabilities rested) going into the consolidated company, but may proceed to enforce their rights against all the property of the consolidated company located or found in Georgia; and any judgments heretofore or hereafter obtained against either of the old companies upon a liability or right of action existing before the passage of this Act shall bind all the property of the consolidated company, and in pursuing and enforcing said rights, said consolidated company shall be held as a Georgia corporation; *Provided*, nothing herein shall be held to affect the rights of stockholders or creditors; *and provided further*, that said Port Royal and Western Carolina Railway Company so consolidated, or to be consolidated as to so much as lies in the State of Georgia, shall be held and taken as a Georgia corporation, subject to all liabilities and limitations as such, and with the rights, privileges, franchises, liabilities, limitations and restrictions in the charters of the Augusta and Knoxville Railroad Company and the Port Royal and Augusta Railway Company contained.

Prior judgments.

Proviso.

SEC. IV. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21st, 1887.

INCORPORATING THE DUPONT, MACON AND FLORIDA
RAILWAY COMPANY.

No. 216.

An Act to incorporate the DuPont, Macon and Florida Railway Company.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same.*

Corporators.

That William McCabe and John Lake, of the city and county of New York, and Augustus DuPont, Franklin B. Sirmans, P. A. Herviant, Benjamin J. Sirmans, L. L. DuPont, Manacos Sirmans, H. G. Powell and J. C. Humphries, of Clinch county, Georgia, or a majority of them, and such others as they may associate with them under said name, shall be, and are hereby incorporated and made a body politic, with all the rights and privileges common and necessary to such a corporation, under the name and style of the DuPont, Macon and Florida Railway Company.

Corporate name.

SEC. II. *Be it further enacted*, That the principal office and residence of said company shall be in the town of DuPont, in the county of Clinch.

Principal office.

SEC. III. *Be it further enacted*, That said company be authorized to build a railway from Macon, in Bibb county, in as near an

Route

Incorporating the DuPont, Macon and Florida Railway Company.

air-line as possible, to and through DuPont, in Clinch county, Georgia, to the Florida line, to take hold and use for the purposes and according to the provisions of this Act such land, not exceeding two hundred feet in width, as may be necessary for its right-of-way, sidings, depots, etc.; and it is authorized, for procuring stock in the same, to open books and procure subscriptions of stock at the rate of one hundred dollars a share, at such times and places as may be thought proper; to elect or appoint all necessary officers, agents and servants; to borrow money, make contracts, hold real and personal estate, sue and be sued and have and use a common seal.

Right-of-way.

Books of subscription.

General powers.

Disputed right-of-way.

Arbitration.

Award.

Exceptions to.

Issue.

Oath of jury.

Provisional directors.

By-laws, etc.

Capital stock.

Term of charter.

Forfeiture.

SEC. IV. *Be it further enacted*, That in all cases where a question of right-of-way may arise, and the company and the land-owner or owners be unable to agree, the matter in controversy shall be submitted to arbitration under the law regulating arbitration under the Code of Georgia, but if either party shall fail or refuse to appoint an arbitrator, the Ordinary of the county where such land lies shall make choice for such party. The two arbitrators thus chosen shall choose a third, and the award made by them shall be made in writing, filed in the office of the Clerk of the Superior Court of the county where the land lies, and their award shall be final, unless attacked in the manner and on the grounds prescribed in the Code; if the award is set aside the cause shall remain in court, and an issue shall be formed and tried as though the cause had been originally brought in the court, and the arbitrators, as well as the jury, shall, in addition to the usual oath, be sworn in assessing damages to take into account the enhanced value of the land from the location of the road on the premises; but in no case shall less damages be assessed than the actual value of the land taken or to be taken.

SEC. V. *Be it further enacted*, That the corporators herein named shall be *ex officio* directors until their successors are elected under the by-laws of said company.

SEC. VI. *Be it further enacted*, That said company shall have full power and authority to pass all by-laws and regulations necessary to carry out the objects of said company not inconsistent with the laws of the State of Georgia and the United States.

SEC. VII. *Be it further enacted*, That the capital stock of said company shall not exceed three million dollars, part of which may be issued as preferred stock.

SEC. VIII. *Be it further enacted*, That said DuPont, Macon and Florida Railway Company is hereby incorporated for a term of fifty years.

SEC. IX. *Be it further enacted*, That all the rights, powers, privileges and authority granted in this Act shall lapse and become void and of no effect, unless said company shall in good

Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Co.

faith commence to construct and operate said railroad within five years from the date of the approval of this Act.

SEC. X. *Be it further enacted*, That said company shall not have the right to make any contract, agreement or consolidation with any other railroad company or party which shall have the effect or be intended to have the effect of defeating or lessening competition or encouraging monopoly. As to competition.

SEC. XI. *Be it further enacted*, That this charter cannot be transferred or sold until ten miles of said road has been graded, tied, ironed and equipped for use, and in that event the charter shall be void, and further that said road shall not run in ten miles of any railroad now constructed or in process of construction, but this shall not apply to the first ten miles from either terminus. When charter may be transferred or sold.
Proximity to other roads.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved September 22d, 1887.

INCORPORATING THE ATLANTIC, ATLANTA AND GREAT
WESTERN RAILROAD AND NAVIGATION COMPANY.

No. 220.

An Act to incorporate the Atlantic, Atlanta and Great Western Railroad and Navigation Company, with power to procure a right-of-way; to own or lease and operate ships, sloops, steamboats and other crafts, and to issue stocks and bonds, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That George T. Fry, John M. Bradley, D. O. C. Heery, J. A. Hutchison, H. G. Hutchison, and such other persons as many become stockholders in said company, be, and they are hereby incorporated under the name and style of "The Atlantic, Atlanta and Great Western Railroad and Navigation Company," with perpetual succession, and by said name may sue and be sued in all the courts; they may have and use a common seal, the same to be altered at will; they may acquire by gift or purchase any property they may need to enable them to carry out the provisions of this Act. The Board of Directors of said company may make such rules, regulations and by-laws for the management of the business of said company as are necessary, reasonable and just and not in conflict with this charter or the Corpora-
tors.

Corporate
name.

General
powers.

Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Co.

laws of the land. Said by-laws so made shall be binding on the company.

Route. SEC. II. *Be it further enacted,* That the Board of Directors for said company shall have power and authority to survey, lay out, construct and equip, use and operate a railroad from such point as they may select on the Savannah river that is eligible as a wharf for landing or for crossing said river in the counties of Effingham, Screven or Burke, thence as nearly on an air-line as may be found practicable through the counties of Screven, Burke, Richmond, Jefferson, Glascock, Washington, Hancock, Putnam, Greene, Morgan, Jasper, Newton, Rockdale, DeKalb and Fulton to Atlanta, thence through the counties of Cobb, Paulding and Polk to the line of the State of Alabama, or, if it may be found more practicable, said line may be surveyed, laid out, constructed and equipped through the counties lying adjacent to and on either side of the line in said counties named, the object of said company being to reach with their line of railroad deep water at Savannah, Georgia, Beaufort, Port Royal or Charleston, South Carolina, at either or all of said points on the Atlantic Ocean, and the Tennessee river at some point in Alabama not west of Colbert county, or the new city of Sheffield in said last-named State. The board of directors for said company shall have power to build, equip and operate such branch roads from their main lines as they may deem advantageous and may construct a branch or extend their main line into the cities of Savannah and Augusta. They shall have power to construct, equip and use all side-tracks, turn-outs, switches and all other appurtenances by whatever name known, which they may find desirable for the operation of said road. They shall have power to lease, buy, build, own and operate, as part of the transportation system of said company, all vessels, ships, boats or crafts, whether steam or sail, they may desire, either for ocean or inland water or river navigation. They shall have the right and power to connect or consolidate their line of transportation with any other line of railroads, not parallel and not competing, boats or ships in or out of the State of Georgia; and shall have the right-of-way and power to purchase or lease from any other person, corporation or company within or without this State any part or the whole of any railroad not parallel and not competing, steamship, steamboat or sailing vessel, property or franchise, or both, that said selling or lessor person, corporation or company may own or control; likewise said directors shall have the right and power to sell or lease to any other person, corporation or company, whether within or without this State, provided said person, corporation or company is not a competitor, any part or the whole

Branch lines, etc.

Powers as to navigation.

Connection or consolidation with other companies.

Purchase or lease from others.

Sale or lease to others.

Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Co.

of its property or franchise, or both, and they shall have ^{Proviso.} the right to charge and collect such sums of money and ^{Tolls.} rates for carrying freight and passengers as may be reasonable and just; *Provided*, that nothing herein contained shall have the ^{Proviso.} effect or be intended to have the effect to lessen competition or to encourage monopoly.

SEC. III. *Be it further enacted*, That the capital stock of said company shall be twenty-five million dollars, to be issued and sold by the board of directors to build and equip the transportation line in this charter specified, in the leasing, purchase or consolidation of or with connecting lines either by land or water. The stock shall be divided into shares of one hundred dollars each. Books for the subscription to said capital stock shall be opened by the corporation, or a majority of them, at such time and place within or without this State as may be agreed upon by said corporation or a majority of them. The stock of said company may be issued in three series, "A," "B" and "C." Series "A" may be issued at a rate not to exceed twenty thousand dollars for each mile of road to be built by the company, including switches, turn-outs and branches, and if the stock is so issued series "A" shall, in preference to series "B" and "C," receive a dividend of six per cent. per annum. Series "B" may be issued at a rate not to exceed ten thousand dollars per mile for each mile of road to be built by the company, including switches, turn-outs and branches, and if so issued shall, in preference to series "C," receive a dividend of seven per cent. per annum. If said stock is issued by series as aforesaid, then series "C" shall comprise all other or common stock and shall be in amount, including series "A" and "B," not in excess of the limits of this charter, and after the dividends already specified shall have been paid, then series "C" shall, in preference to other dividends to "A" and "B," receive a dividend of eight per cent. per annum. The surplus of net earnings, after paying the dividends herein named, shall be divided *pro rata* without preference among all the stockholders. If the stock is issued by series as aforesaid, each certificate shall show on its face the series to which it belongs and the amount of dividend for which it is preferred.

SEC. IV. *Be it further enacted*, That when the sum of ten million dollars shall have been *bona fide* subscribed to the stock of the company, and five hundred thousand dollars actually paid in, it shall be the duty of the corporators, or a majority of them, on such notice as they may deem sufficient, to call a meeting of the stockholders at such place, within or without this State, as they may at the time find expedient, at which meeting the stockholders shall elect from among themselves not less than five nor

Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Co.

Directors. more than thirteen directors, a majority of whom, when convened as a board of directors, shall constitute a quorum for the transaction of business. The directors so elected shall elect one of their number president of the company. In case the president shall be absent from any meeting of the board of directors, or being present, for any cause should fail or deem it improper or decline for any cause to preside, then any member of the board of directors who may be present may be called to the chair and such director shall be president *pro tempore*, and any action of the board of directors taken at such meeting, and signed by the president *pro tempore* and the secretary, shall be as valid as if the meeting was presided over by the president and signed by him. The directors shall, in the by-laws, provide for all other officers, agents and employees of the company.

President. and fix their salaries and shall provide for filling vacancies in their own body until the next annual meeting of the stockholders. No person shall be elected a director who is not a stockholder. At all elections by the company a majority of the stock shall be represented in person or by written proxy. A majority of the votes cast shall elect or decide the question at issue. Each share shall represent one vote. The president and directors shall hold their offices for one year or until their successors are elected. If the incorporators, or a majority of them, shall so determine, the company may be organized when one hundred thousand dollars has been actually subscribed and paid in.

President pro tem.

Other officers, etc.

Vacancies.

Director to be stockholder.

Elections by company.

Term of officers.

When organization may be made.

SEC. V. Be it further enacted, That the directors shall have the right to take in payment for stock, or subscriptions to the stock of the company, all such property, real or personal, and all such material as they may need in the construction and equipment of their railroad and its water connections, and may also pay in part or in whole for the material, construction and equipment of their road and water connections in the stock or in the bonds (either or both) of said company, and may likewise pay all earnings and salaries of officers, agents or employees when such parties are willing to receive the same. The board of directors shall have power for, in behalf and in the name of the company, to make and issue promissory notes, obligations and bonds to such an amount in such denominations, to run for such a length of time and for such a rate of interest, payable at such time and place or places as they may determine, and to secure the principal and interest of said notes, obligations and bonds. The board of directors is authorized to make and execute, or cause to be made and executed, one or more mortgages or deeds of trust or other conveyances of their property, real and personal, including their franchise and any and all other rights of property belonging to them, said mortgage or mortgages, deed or deeds of trust or other con-

Payment for stock.

Payments in stock.

Bonds, etc.

Mortgages, etc.

Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Co.

veyance or conveyances when executed shall be recorded in the Superior Court clerk's office, in Fulton county, and in the clerk's office of all the counties in which said road shall be located.

SEC. VI. *Be it further enacted*, That certificates of stock shall be issued to all persons entitled thereto, and when issued shall be signed by the president and secretary. Such certificates shall also have the seal of the company thereto attached. The notes, obligations and bonds of the company shall likewise be so signed and sealed. The stock of the company may be transferred on the books of the company from one holder to another; in all cases of transfer the old certificate must be surrendered before the new is delivered, except when it has been lost and copy is established. The transfer may be made in person or by an attorney in fact appointed for the purpose. The directors shall have power to call in and demand payment of stock subscriptions. Notice of such call shall be published, once a week for four weeks, in the gazette in Atlanta, Georgia, in which Sheriff's sales are advertised; also written or printed notice of such call shall be mailed from the Atlanta office for at least ten days before such call is due, said written or printed notice to be directed to the last known place of residence of such subscriber. If any subscriber make default in payment for more than ten days after the notice by newspaper publication is completed, he or she shall, forfeit of what they may already have paid, an amount equal to the assessment called for, and be subject also to suit in any court having jurisdiction for the whole of their unpaid subscriptions, or the board of directors may, at their option, declare the full amount paid forfeited to the company, and release the delinquent subscriber from further liability.

Certificates
of stock.

Notes,
bonds, etc.

Transfers
of stock.

Calls for
payment
of stock.

Notice of.

Default in
payment.

SEC. VII. *Be it further enacted*, That the extent of the liability of said company to its creditors shall be to the full extent of the company's property and franchise. The extent of the liability of the individual stockholders to the creditors of the company shall be to the extent of his or her unpaid stock, which may at all times be discharged by the stockholder on payment out of his individual funds an amount of the company's debts equal to the amount of his or her unpaid stock.

Liability
to creditors

SEC. VIII. *Be it further enacted*, That the right-of-way of said railroad shall not exceed two hundred feet, except at switches, side-tracks, turn-outs, wood, water, coal and depot stations, and at points where their shops may be located and at terminal points; at all such points said company may acquire by gift or purchase such additional land, ground or space as from the character of their business they may find desirable. The directors of said company may sell and convey any property, real or personal, to which they may have acquired title and no longer need.

Right-of-
way.

SEC. IX. *Be it further enacted*, That the board of directors of

Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Co.

General
power to
construct,
operate,
etc.

said company is hereby vested with all and singular the rights, powers and authority which are necessary or proper to enable it to construct, and for said company use and maintain said railroad between the points and in the general direction herein named, and by a branch road or an extension of their main line as the directors may prefer to reach the cities of Savannah and Augusta. The directors with said company's road may cross either at or over or under grade any other railroad or railroads in this State, and may run this road over any other railroad or railroads, or its right-of-way, necessary or proper to reach this company's freight depot or wharf or union passenger depot in any town or city to, through or near which this road may run. Said right so to run over or across any part of such railroad or its right-of-way may be acquired by lease, purchase, contract or other agreement between the parties at interest. If this cannot be done, the board of directors, acting in the name of and for this company, may acquire this right by condemnation, if it shall be impracticable to attain otherwise a way to its freight depot, wharf or a union passenger depot; *Provided*, said directors shall not have the right to condemn for this company more than five miles of the right-of-way, and it shall not be condemned for any other purpose than those named. The right to connect the switches or track of this road with any other may be acquired in the same way.

Use of
right-of-
way of
other roads

Condem-
nation.

Proviso.

Disputed
right-of-
way.

SEC. X. *Be it further enacted*, That in event said board of directors does not procure for this company from the owner or owners thereof by contract, lease or purchase the title to the lands or right-of-way, or other property necessary or proper for the construction or connection of said railroad and its branches, extensions or depots, wharves, docks or other necessary terminal facilities, or necessary or proper for it to reach its freight depot, or the passenger depot in any city, town or village in the State, as hereinbefore provided, it shall be lawful for said directors, acting in the name of and for this company, to construct their railroad over any lands belonging to other persons or over such right-of-way or track of other railroads as aforesaid, upon paying to the owner thereof, or to his, or her, or its legally authorized representative just and reasonable compensation for the right-of-way, which compensation when not otherwise agreed upon shall be assessed and determined in the following manner, to-wit: when the parties cannot agree or do not agree upon the damage done such other railroad company for the use of its right-of-way as aforesaid, or to the owner or owners of the land or other property which the directors seek to appropriate for this company as a right-of-way or other purposes. The directors of this company shall choose one of the citizens of this State as this company's assessor and the person or persons or the railroad company owning the land sought to be taken or the right-of-way sought to be used shall choose another as his or her, its or their assessor, and in case

Assessors.

Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Co.

the persons owning said land, or a majority of them if more than one person owns the land sought to be condemned, or such railroad company owning such right-of-way sought to be used, shall fail or refuse to make such choice or select some one to represent his, hers, its or their interest, or should be a lunatic, idiot or minor or under any disability from any cause whatsoever, and have no legal representative, then it shall be the duty of the Ordinary of the county in which such property or right-of-way so sought to be condemned is situated, to make such selection for such owner or owners or railroad company so failing or refusing or unable to make the same as aforesaid. Failure to choose, etc.

Provided, the said directors give notice to said Ordinary that such owner or owners or railroad company fails or refuses to act as aforesaid, or is an insane person, lunatic, idiot or minor or under any disability from any cause whatsoever, and has no legal representative, and the two assessors thus selected shall choose a third assessor, and the three assessors thus selected shall be sworn to do justice between the parties; and after hearing such evidence as may be offered, both as to the benefit and as to the damages done, the owner or owners of such right-of-way and right to use the same, and of such track sought to be used, or of such lands sought to be condemned, as the case may be. They, or a majority of them, shall assess the damages, and value the property so sought to be condemned, and shall say in writing what sum this company shall pay for the right-of-way, right to use tracks or land so sought to be condemned by it, and they shall file their said award within ten days after it is made in the office of the Clerk of the Superior Court of the county where said lands or or right-of-way or track sought to be used or condemned is located, and the clerk shall record the same, and it shall have all the force and effect of a judgment or decree by the Superior Court of said county; and in case either party is dissatisfied with the award, the dissatisfied party shall have the right, by giving written notice to the other party within ten days from the time said award was filed as aforesaid, to enter an appeal in writing from said award to the Superior Court of the county where said award was filed, and at the next term of said court, unless continued for legal cause, it shall be the duty of the Judge presiding in said cause to cause an issue to be made up as to damages and valuation of said land, right-of-way, or right to use such track, as the case may be, and the same to be tried with all the rights for hearing and trying said cause in the Superior Court and in the Supreme Court, as provided for cases at common law: *Provided*, the company, before being permitted to use, occupy or utilize the land or property condemned, shall pay therefor to its owner just and reasonable compensation. If said directors should enter said appeal for this company, they shall give bond and security for the payment of the amount rendered upon the final

Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Co.

hearing of said cause. Should no appeal be entered in said cause within said time, and should said company fail to pay the award rendered, it shall be the duty of the Clerk of the Superior Court, upon the request of any person interested, to issue executions upon such award, as in other cases of judgment of the Superior Court, and said execution may be levied upon the property of the company, as in cases of other executions, and if such land-owner or land owners be an insane person, lunatic, idiot, or minor, or under disability from any other cause, and have no legal representative, then, in that event, the said sum so awarded or found due by said company for the land so taken shall be paid to the Ordinary, and he shall cause the same to be invested for the use of said owner or owners, and to this end he shall appoint such guardians or other legal representatives as is usual, necessary or proper to take, hold and manage and control said fund and said right-of-way and right to use such track shall vest in this company as fully and completely as if the same had been purchased by contract with the consent of the owners thereof.

SEC. XI. *Be it further enacted,* That the principal office of said company shall be in the city of Atlanta, but the board of directors shall have power and authority to establish branch offices for the transfer of stock and the transaction of the company's business in such other places as they may deem best for the interest of the company. A minute of all the acts and proceedings of the board of directors touching the company's business shall be kept in a book to be provided for the purpose. They shall be signed by the president or president *pro tempore* and the secretary, and shall be subject to the inspection of any stockholder under such reasonable rules and regulations as the board of directors may prescribe.

Until the permanent organization of the company and the election of a board of directors by the stockholders, the persons named in the first section of this Act and herein called corporation are hereby made the board of directors of said company, and as such are hereby vested with the same rights, privileges, powers, duties and authority conferred by this Act upon said company or upon the board of directors of said company when elected by a vote of the stockholders. Said board shall elect one of their number president of the company, who shall hold his office until the permanent organization of the company, unless sooner removed by death, resignation or other cause. They shall also elect or appoint a secretary and a treasurer, who shall hold their offices until their successors are elected or appointed. They may elect or appoint and at pleasure remove all other officers, agents and employees they may deem needful. They may fix the salaries and pay of all such officers, agents and employees. In case of the death or failure or refusal of one or more of said corporators to act as corporator or director, the remaining per-

Appeal by
the com-
pany.

Where no
appeal.

Payment.

Principal
and branch
offices.

Minutes.

Provis-
ional di-
rectors.

President.

Other offi-
cers, etc.

Incorporating the Atlantic, Atlanta and Great Western Railroad and Navigation Co.

sons shall have power to elect other or others for the time being to act in their stead. The election of a board of directors by the stockholders shall operate at once to dissolve the acting board, and on such dissolution all the property and assets of any and every kind, including the franchise of the company, shall pass immediately into the hands and control of the new board of directors, who shall, in entering upon their duties, carry out all contracts of their predecessors and respect all vested rights. Vacancies.

SEC. XII. *Be it further enacted*, That if fifty miles of said road is not built and equipped in five years from the date of the Governor's approval of this Act, it shall, unless the General Assembly of Georgia do in the meantime otherwise direct, be null and void as to all that part of said road not actually built. Forfeiture of charter.

SEC. XIII. *Be it further enacted*, That the property of said company shall always be subject to the same rate of taxation as may be fixed from time to time by the laws of this State upon other railroad property not having special exemptions or rate of taxation in their charter. Taxation.

SEC. XIV. *Be it further enacted*, That if this charter shall be transferred or assigned before ten miles of the road in a continuous line shall have been fully graded, ironed and equipped, this charter shall be null and void without and before judgment of forfeiture. The general line and course of the road shall be at least ten miles from all other parallel roads; *Provided*, that the company hereby chartered shall be allowed to run said road from Atlanta to the Alabama line, and from Atlanta in a southerly or southeasterly direction to the Savannah river; and to this end, when absolutely necessary, may run within ten miles of other parallel roads running into the city of Atlanta; *Provided*, that the line of railroad shall be in the direction as provided in Section II. on an air-line from the Savannah river to the Alabama line. If the company hereby chartered, or any person, firm or corporation owning, leasing or operating the same, shall discriminate against persons, corporations or places in this State, it shall be lawful for any person, corporation or place so discriminated against to proceed in the courts of this State for actual and vindictive damages. Transfer of charter.
Distance from other roads.
Prov. so.
Discrimination.

SEC. XV. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved September 22, 1887.

Amending Charter of the Atlantic, Birmingham and Great Western Railway Co.

AMENDING CHARTER OF THE ATLANTIC, BIRMINGHAM AND GREAT WESTERN RAILWAY COMPANY.

No. 230.

An Act to amend an Act entitled an Act to incorporate the Atlantic, Birmingham and Great Western Railway Company.

SECTION I. *The General Assembly of Georgia do enact*, That the provisions of the Act incorporating the Atlantic, Birmingham and Great Western Railway Company be so amended that said railway company shall have the right to increase the board of directors to eleven in number, instead of five as now provided, and that said board of directors shall have the right to create from their number a special executive board of three members, one of whom shall be the president or acting president of said company.

SEC. II. *Be it further enacted*, That the provisions of section sixth of said Act of incorporation be amended so as to allow said Atlantic, Birmingham and Great Western Railway Company to build a branch road through the counties of Worth, Colquitt and Brooks from such point on their line as may be deemed most advisable, and the general provisions of said Act of incorporation shall apply to said branch road as fully and completely as to the main line provided for in said Act of incorporation.

SEC. III. *Be it further enacted*, That so much of Section I. of the original Act to which this is an amendment be changed by striking out the words "Great Western" and substituting in lieu thereof the words "Kansas City," so that the corporate name of said railroad company shall be the Atlantic, Birmingham and Kansas City Railroad Company, and that wherever in said original Act of incorporation the words "Great Western" occur the same be stricken out and "Kansas City" be substituted in lieu thereof, and the caption of said Act be so changed as to read, "An Act to incorporate the Atlantic, Birmingham and Kansas City Railroad Company," and that the foregoing amendments be so altered and changed as to strike the word-, "Great Western," wherever they occur in said amendments, and substitute therefor the words "Kansas City."

SEC. IV. *Be it further enacted*, That said Atlantic, Birmingham & Kansas City Railroad Company shall have the right to borrow money, or sums of money, at such rates of interest and upon such terms as said Atlantic, Birmingham & Kansas City Railroad Company, or the board of directors, shall authorize or agree upon and may deem necessary or expedient, and may execute one or more trust deeds or mortgages, or both if occasion may require on any railroad, or railroads in process of construction by said company for

Increase in number of directors.

Special executive board.

Branch road.

Change of name.

Borrowing money.

Mortgages, etc.

the amount or amounts borrowed or owing by said company as its board of directors shall deem expedient, and said company may make such provisions in such trust deed or mortgage for transferring their railroad track, depots, grounds, rights, privileges, franchises, immunities, machine houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in connection with such railroad or railroads in any manner, then belonging to said company, or which shall thereafter belong to it as security for any bonds, debts, or sums of money as may be secured by such trust deeds or mortgages as they shall think proper; and in case of the sale of the said Atlantic, Birmingham and Kansas City Railroad, or of any railroad owned or constructed, or in process of construction by the same by virtue of any foreclosure of mortgage thereon, or by virtue of any trust deed the party or parties acquiring title under such sales and their associates, successors or assigns shall have and acquire thereby and shall exercise and enjoy thereafter the same rights, privileges, grants, franchises, immunities and advantages in said trust deed or mortgage enumerated and conveyed, which belonged to and were enjoyed by said Atlantic, Birmingham and Kansas City Railroad Company so far as the same relates to that portion of said railroad or the line thereof mentioned or described and conveyed by said mortgage or trust deed and no farther as fully and absolutely in all respects as the incorporators, office-holders, share-holders and agents of said company might or could have done had not such sale or purchase taken place; and such purchaser or purchasers and their associates shall thereupon be a corporation with all of the powers, privileges and franchises conferred by the provisions of the Act incorporating said Atlantic, Birmingham and Kansas City Railroad Company, and all such deeds of trust and mortgages shall be recorded, as is provided by law for the record of mortgages in this State, in each county through which said road runs.

Sale under.

SEC. V. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed

Approved September 27, 1887.

INCORPORATING THE MACON AND ALABAMA RAILROAD COMPANY.

No. 233.

An Act to incorporate the "Macon and Alabama Railroad Company;" to define its rights, powers, privileges, immunities and liabilities, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That Robert Coleman, James H. Campbell and Bolivar H. Ray, of Bibb county; Frank H. Wright and J Northrop Smith, of Crawford county, and their associates, successors and assigns, be, and they are hereby created a body politic and corporate under the name of the "Macon and Alabama Railroad Company," with power under said name to sue and be sued, implead and be impleaded in the courts of this State; to have and use a corporate seal; to hold and enjoy all such real and personal property as may be necessary to, or will advance the interest of, said company, and to exercise all the general powers conferred upon corporations by the laws of this State, as well as such as herein specifically granted

SEC. II. *Be it further enacted,* That said company be, and they are hereby authorized and empowered to survey, lay out, construct and equip a railroad from Macon, in Bibb county, in a westerly direction through the counties of Crawford, Taylor, Upson, Talbot, Harris and Muscogee, or through such of said counties as may be selected by the board of directors of said company, and by such a route as will in their judgment best subserve the purposes of the organization of said company to the line of the State of Alabama, and the said railroad to use, maintain and operate, with the right to charge reasonable rates for the transportation of freight and passengers in accordance with the laws of this State.

SEC. III. *Be it further enacted,* That for the purpose of locating and constructing said line of railroad, said company is empowered to cause such examinations and surveys to be made as shall be necessary to the selection of the most advantageous route, and for that purpose is empowered to enter the land of any person upon the line of any route proposed, and is further empowered to acquire real estate or other property for the construction, maintenance and accommodation of said railroad, and to hold and use such real estate and other property useful for the same, and for stations, wharves, docks, connections with other railroads, terminal facilities and all other purposes necessary to accomplish the objects of this incorporation; to take such lands as may be necessary for the right-of-way of such railroad, and for the ob-

Incorporating the Macon and Alabama Railroad Company.

taining necessary material for the construction of the road-bed thereof, making compensation therefor as provided in this Act ; to continue its railroad across any water course and any other railroad, and along or across any street or highway in its route ; to cross, intersect, join or unite its railroad with any railroad heretofore or hereafter constructed at any point in its route or upon the ground of any other railroad company with its consent, with the necessary turn-outs, sidings and switches and other conveniences necessary in the construction and use of the railroad, and it may run over the right-of-way of any other railroad to its freight and passenger depots, shops or other points necessary for its convenient operation in any city, town or village through which such railroad may run with its consent ; to erect and maintain convenient buildings, wharves, docks, stations, fixtures and machinery for the use of said railroad ; *Provided*, that nothing herein contained shall be construed to grant to said corporation the right to condemn without the consent of the owner any main track of any other railroad, nor any part of the right-of-way of any other railroad, except in cases of actual necessity, and in that event not more than two continuous miles in case public road and street are sought to be taken and used, the consent of the county and city authorities having control thereof shall be had and obtained.

Crossing other roads, etc.

Use of right-of-way of other road.

Wharves, docks, etc.

Proviso.

SEC. IV. *Be it further enacted*, That the capital stock of the company shall be three million dollars, which shall be divided into shares of one hundred dollars each ; and said company shall be authorized to commence work whenever the sum of twenty-five thousand dollars shall have been subscribed and five per cent. thereof paid in.

Capital stock.

When work may be begun.

SEC V. *Be it further enacted*. That until the election of a board of directors, the corporators herein named may act as directors of the company, and they are authorized to receive subscriptions to the capital stock of the company, with power to open books of subscription at such places and for such time as they may deem advisable. Upon subscription and payments being made as fixed in the preceding section, the subscribers who have made such payments may proceed to elect from their own number a permanent board of directors of such number as the majority may agree upon at a meeting to be called for the purpose of such election. The meeting for this purpose shall be called by the corporators hereinbefore named or a majority of them, and each subscriber shall have notice of such meeting, either in person five days before the same or by letter, mailed to his usual address ten days before the same. The board of directors elected at this meeting shall hold until the next annual meeting of the stockholders, to be fixed by the by-laws, and until their successors may be elected. The subscribers shall also, at this first meeting or at a time to be there determined, adopt any by-

Provisional board of directors.

Books of subscription.

Permanent directors.

First meeting of stockholders.

By-laws.

Incorporating the Macon and Alabama Railroad Company.

laws for the government of the company which they may see fit and which are not in conflict with the Constitution and laws of this State. In all meetings of the stockholders each share shall be entitled to one vote.

Vote of
stockhold-
ers.

President
and other
officers.

SEC. VI. *Be it further enacted*, That the first board of directors, elected under the foregoing section and each subsequent board shall elect from their number a president and such other officers as may be created by the by laws, and shall have power to select all necessary agents, or to delegate this power to any officer of the company.

Control of
business,
etc.

SEC. VII. *Be it further enacted*, That the president and board of directors shall have power to carry on, conduct and control the business and affairs of the company, subject to such by-laws as may be adopted in the manner hereinbefore set forth.

Payment
of sub-
scriptions.

Failure to
pay.

SEC. VIII. *Be it further enacted*, That all subscriptions made to the capital stock shall be payable in installments, to be called by the board of directors, and in case any stockholder shall neglect or refuse to pay any installment which may be called for within sixty days after such installment shall have become due, and which he shall have been notified twenty days before the same became due, such stock, with all payments thereon, shall be forfeited to the company. Such notice may be personal, or by publication four times in a newspaper published at the location of the principal office of the company, but this right of forfeiture shall not prevent the recovery by law of such unpaid installments should the company so elect.

Bonds.

Mortgage.

Preferred
stock.

SEC. IX. *Be it further enacted*, That said company shall have power to issue bonds to such an amount as the board of directors may determine, and to secure the same by mortgage upon all the property and franchises of the company; also to make and issue preferred stock and make preferences in the payment of dividends thereon should the board of directors deem it to the best interest of the company.

Disputed
rights-of-
way.

SEC. X. *Be it further enacted*, That in case said company shall be unable to procure from the owner or owners thereof, by contract, lease or purchase, the title to the lands or right-of-way or other property necessary or proper for the construction or connection of said railroad and its branches or extensions or its depots, wharves, docks or other necessary terminal facilities or necessary or proper for it to reach its freight depot or the passenger depot in any city, town or village in the State as hereinbefore provided, it shall be lawful for said corporation to construct its railroad over any lands belonging to other persons or such rights-of-way or tracks of other railroads as aforesaid, upon paying or tendering to the owner thereof or to his, her or its legally authorized representatives just and reasonable compensation for its right-of-way, which compensation, when not otherwise agreed upon, shall be assessed and determined in the following manner,

Incorporating the Macon and Alabama Railroad Company.

to-wit: when the parties cannot or do not agree upon the damage done such other railroad company for the use of its right-of-way or tracks as aforesaid, or to the owner or owners of the land or other property which the corporation seeks to appropriate as a right-of-way or for its purposes, said company shall choose one of the citizens of this State as its assessor, and the person or persons or railroad company owning the land sought to be taken, or the right-of-way or tracks sought to be used, shall choose another as his, her, its or their assessor; and in case the person owning such land, or a majority of them if more than one one person owns the land sought to be condemned, or such railroad company owning such right-of-way or tracks sought to be used, should fail or refuse to make such choice or select some one to represent his, her, its or their interests, or should be an insane person, lunatic, idiot or minor, or under any disability from any cause whatsoever, and have no legal representative, then it shall be the duty of the Ordinary of the county in which such property or right-of-way or use of tracks so sought to be condemned is situated to make such selection of such owner or owners or railroad company so failing or refusing or unable to make the same as aforesaid; *Provided*, the said corporation give notice to said Ordinary that such owner or owners or railroad company fails or refuses to act as aforesaid or is an insane person, lunatic, idiot or minor or under disability from any cause whatsoever and has no legal representative, and the two assessors thus selected shall choose a third assessor, and the three assessors thus selected shall be sworn to do justice between the parties; and after hearing such evidence as may be offered, both as to the benefits and damages done the owner or owners of such right-of-way and right to use the same and of such tracks sought to be condemned, as the case may be, they, or a majority of them, shall assess the damages and value the property so sought to be condemned, and shall say in writing what sum said corporation shall pay for the right-of-way, right to use tracks or lands so sought to be condemned by it and they shall file their said award within ten days after it is made, in the office of the Clerk of the Superior Court of the county where said lands or right-of-way or tracks sought to be condemned or used is located, in no case shall less damages be awarded than the actual value of the land or right-of-way sought to be condemned, and the said clerk shall record the same and it shall have all the force and effect of a judgment or decree by the Superior Court of said county, and in case either party is dissatisfied with said award, the party so dissatisfied, and in case he, she or they may be under disability and have no legal representative, the Ordinary as aforesaid, as the representative of such party shall have the right by giving written notice to the party within ten days from the time said award is filed as aforesaid in the Clerk's office, to enter an appeal in writing, from said award to the Superior Court of the

Assessors.

Failure to appoint.

Proviso.

Oath of assessors.

Evidence.

Award.

Effect of.

Appeal.

Incorporating the Macon and Alabama Railroad Company.

county where said award is filed, and at the next term of said court, unless continued for legal causes, it shall be the duty of the Judge presiding in said case to cause an issue to be made up as to the damage or valuation of said land, right-of-way or right to use such tracks, as the case may be, and the same be tried with all the rights of hearing and trying said cause in the Superior Courts and in the Supreme Court as provided for cases in common law. If said corporation shall enter said appeal it shall give bond and security for the payment of the amount recovered upon the final hearing of said case.

Appeal by
company.

Should no appeal be entered from said award within said time, and should said corporation fail to pay the same, it shall be the duty of the Clerk of the Superior Court, upon the request of any person interested, to issue execution upon such award as in other cases of judgments of the Superior Court, and said execution may be levied upon any of the property of such corporation as in cases of other executions and if such land-owner or land-owners be an insane person, lunatic, idiot or minor, or under disability from any other cause, and have no legal representative, then, and in that event, such sum so awarded or found due by said corporation, for the land so taken shall be paid to the Ordinary, and he shall cause the same to be so invested for the use of such owner or owners, and to this end he shall appoint such guardians or other legal representatives to take, hold, manage and control such funds as is usual, necessary or proper and said right-of-way and right to use such tracks shall vest in such corporation as fully and completely as if the same had been purchased or acquired by contract with the consent of the owners.

Where
there is no
appeal.

Payments.

Consoli-
dation
with other
roads.

SEC. XI. *Be it further enacted by the authority aforesaid*, That said railroad company, through its directors, with written consent of a majority of its stockholders, shall have power to consolidate its road with any road incorporated under the laws of Georgia, Alabama or any other State or of the United States, and upon such terms as may be agreed upon by the companies so consolidated or their directors: *Provided*, nothing herein contained shall be so construed as to permit said railroad company to make or become a party to any sale, purchase, lease, contract, agreement or consideration which may have the effect, or be intended to have the effect of lessening or defeating competition or encouraging monopoly—as of making such consolidated corporation a foreign corporation.

Proviso.

Compensa-
tion for
condemna-
tion.

Forfeiture
of charter.

SEC. XII. *Be it further enacted*, That before any land condemned under the provisions of this charter can be used or occupied by the railroad company, just and adequate compensation shall be paid therefor by the company to the owner or owners thereof; *Provided further*, if the corporators herein named shall fail within two years to commence work under this charter, and fail to grade, equip and provide with rolling stock ten miles of

Conferring the Charter of the Eatonton and Madison Railway Company.

road, or assign or transfer this charter before it is done, then this charter to be null and void without the judgment of forfeiture as penalty for non compliance with the terms of this section.

SEC. XIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29th, 1887.

CONFERRING THE CHARTER OF THE EATONTON AND
MADISON RAILWAY COMPANY.

No. 236.

An Act to ratify and confirm the charter of the Eatonton and Madison Railway Company, obtained under the general law for the incorporation of railroads in this State, approved September 27th, 1881, and the Act amendatory thereof, and for other purposes.

WHEREAS, J. F. Crutchfield, J. A. Orme, W. A. Crutchfield, H. M. North and W. T. Hollingsworth, all of the county of Bibb, did, on the 21st day of August, 1886, obtain a charter for the construction and operation of a railroad from Eatonton, in the county of Putnam, to Madison, in the county of Morgan, in this State, under the Act approved September 27th, 1881, and the Act amendatory thereof approved September 28th, 1883; and

WHEREAS, For divers reasons it is thought proper and expedient to have said charter confirmed and ratified by the General Assembly of the State: now, therefore,

SECTION I. *Be it enacted by the General Assembly of this State*, That from and after the passage of this Act, the charter heretofore obtained under the above recited Act for the building, equipment and operation of the Eatonton and Madison Railway Company, by J. F. Crutchfield, J. A. Orme, W. A. Crutchfield, H. M. North and W. T. Hollingsworth, be, and the same is hereby, ratified and confirmed, so that the same shall have the same force effect as if it had been originally granted by the General Assembly; and the said Eatonton and Madison Railway Company shall have all the rights, privileges and franchises set forth and specified in said charter, under the general law aforesaid; *Provided*, that no property shall be taken and used for the purposes herein provided until just and adequate compensation shall have first been paid; *Provided*, that nothing contained in this Act, or the charter which it seeks to confirm, shall be so construed as to allow the condemnation of the main track of any railroad, nor of more than two miles of the right of-way of any other railroad.

Preamble.

Charter under general railroad law confirmed.

Proviso.

Incorporating the Thomasville, Florida and Western Railway Company.

Must com-
mence to
construct
within five
years.

When
charter
may be
trans-
ferred.

SEC. II. *Be it further enacted*, That unless said corporation shall commence, in good faith, to construct and operate said road within five years from the date of the passage of this Act, then and in that case, all the rights and powers herein conferred shall be null and void: *Provided further*, that until at least ten miles of said railroad have been constructed and operated, any transfer of this charter shall be null and void.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29th, 1887.

INCORPORATING THE THOMASVILLE, FLORIDA AND WESTERN RAILWAY COMPANY.

No. 237.

An Act to incorporate the Thomasville, Florida and Western Railway Company.

Corpora-
tors

Corporate
name.

Route.

Right-of-
way, etc.

Books of
subscription.

General
powers.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same*, That A. T. McIntyre, Jr., S. L. Hayes, J. L. Finn, George Feam, W. M. Hammond, A. P. Wright, Aug. H. Hansell, T. C. Mitchell, P. J. Franklin, or a majority of them, and such others as they may associate with them under said name, shall be and are hereby incorporated and made a body politic with all the rights and privileges common and necessary to such a corporation, under the name and style of the Thomasville, Florida and Western Railway Company.

SEC. II. *Be it further enacted by the authority aforesaid*, That said company be, and it is hereby authorized to build a railway from Columbus, Muscogee county, Georgia, or some other point on the Chattahoochee river, between Columbus and the Decatur county line, through Thomasville, Thomas county Georgia, to the Florida line; to take, hold and use for the purposes, and according to the provisions of this Act, such land, not exceeding two hundred feet in width, as may be necessary for its right-of-way, sidings, depots, etc., and is authorized for procuring stock in the same; to open books and procure subscriptions of stock at the rate of one hundred dollars a share, at such time and places as may be thought proper; to elect or appoint all necessary officers, agents and servants; to borrow money, make contracts, hold real and personal estate, sue and be sued and have and use a common seal.

SEC. III. *Be it further enacted by the authority of the same.* That in all cases where a question of right-of-way may arise, and the company and the land owner or owners be unable to agree, the matter in controversy shall be submitted to arbitration under the law regulating arbitration in the Code of Georgia, but if either party shall fail or refuse to appoint an arbitrator, the Ordinary of the county where such land lies shall make choice for such party. The two arbitrators thus chosen shall choose a third and the award made by them shall be made in writing, filed in the Clerk's office of the Superior Court of the county where the land lies and their award shall be final, unless attacked in the manner and on the grounds prescribed in the Code. If the award is set aside, the cause shall remain in court and an issue shall be formed and tried as though the cause had been originally brought in the court, and the arbitrators, as well as the jury, shall, in addition to the usual oath, be sworn in assessing damages to take into account the enhanced value of the land from the location of the road on the premises. *Provided*, nothing in this section shall be construed to prevent the land-owner from recovering the actual value of the land condemned.

Disputed
rights-
of-way.Arbitra-
tion.

Award.

Excep-
tions.

Issue.

Oath.

Proviso.

SEC. IV. *Be it further enacted by the authority of the same,* That the corporators herein named shall be *ex-officio* directors until their successors are elected under the by-laws of said company.

Provision-
al direc-
tors.

SEC. V. *Be it further enacted by the authority of the same,* That said company shall have full power and authority to pass all by-laws and regulations necessary to carry out the objects of said company not inconsistent with the laws of the State of Georgia and the United States

By-laws,
etc.

SEC. VI. *Be it further enacted by authority of the same,* That the capital stock of said company shall not exceed two million dollars, part of which may be issued as preferred stock.

Capital
stock.

SEC. VII. *Be it further enacted by the authority of the same,* That said company shall have the power, so soon as fifteen thousand dollars are subscribed, to call the same in such installments as the board may direct, and to collect the same by suit, and to commence the building of said road as soon as said amount of stock is subscribed.

Payments
for stock.

SEC. VIII. *Be it further enacted by the authority of the same,* That said Thomasville, Florida and Western Railway Company is hereby incorporated for the term of fifty years.

Term of
charter.

SEC. IX. *Be it further enacted by the authority aforesaid,* That if the incorporators or directors of said railroad, or their assigns, or successors, shall not, in good faith, begin work in conformity with this charter, within a period of five years from its passage, the franchises granted by this charter shall become null and void. *Provided further*, that if this charter is assigned or conveyed before ten miles of the railroad are graded, equipped and provided with rolling stock, the franchises conferred by this charter shall

When
work
must be
gin.Transfer of
charter.

Incorporating the Cartersville, Marysville and Knoxville Air-Line Railroad Company.

Distance
from other
roads.

be null and void. *Provided further*, that the general direction of the railroad shall be at least ten miles from any other railroad already constructed, but this proviso shall not be construed to refer to any point within ten miles of either terminus.

SEC. X. *Be it further enacted by the authority of the same*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29th, 1887.

INCORPORATING THE CARTERSVILLE, MARYSVILLE AND
KNOXVILLE AIR-LINE RAILROAD COMPANY.

No. 238.

An Act to incorporate the Cartersville, Marysville and Knoxville Air-Line Railroad Company, and for other purposes.

Corpora-
tors.

Corporate
name.

General
powers.

Route.

Surveys,
etc.

SECTION I *Be it enacted by the General Assembly of Georgia*, That from and after the passage of this Act, W. C. Baker, J. W. Harris, Jr., Henry H. Hall, Thos. W. Milner and W. I. Heyward, their successors and assigns, be, and are hereby, created a body politic and corporate, under the name and style of "The Cartersville, Marysville and Knoxville Air Line Railroad Company;" in and by that name, may sue and be sued, plead and be impleaded in any court of Law or Equity in this State; may make by-laws, and appoint all the necessary officers, as hereinafter prescribed, define their duties; may accept, purchase, hold and convey any property, both real and personal, necessary for the purposes herein presented; may make all necessary contracts, have and use a common seal and do other lawful acts properly incident thereto, and connected therewith, and necessary for the control, promotion and transaction of said business.

SEC. II. *Be it further enacted*, That said company is hereby empowered to survey, lay out, construct and build a railroad from the city of Cartersville, in the county of Bartow, Georgia, through the counties of Bartow, Gordon, Murray and Fannin, to the Tennessee line, at such point as the directors may hereafter determine.

SEC. III. *Be it further enacted*, That in order to carry out the power and authority granted in section 2nd, of this Act, the company is hereby empowered, First, to cause such examinations and surveys to be made of the proposed railroad as shall be necessary to the selection of the most advantageous route through the counties named in section 2nd., and for such purposes, is empowered by its officers, agents, servants and employees, to enter upon the land or water of any person for that purpose. Second,

Incorporating the Cartersville, Marysville and Knoxville Air-Line Railroad Company.

to take and hold such voluntary grants of real estate and other property as may be made to it to aid in the construction, main-^{Grants of}tenance and accommodation of its road. Third, to purchase.^{Purchase of prop-} hold and use all such real estate and other property as may be^{erty, etc.} necessary for the construction and maintenance of its road, its stations, terminal facilities, work-shops and all other accommo-
dations necessary to accomplish the objects of its incorporation, and to sell, lease, or buy, any land necessary for its use. Fourth,^{Right of-} to lay out its road, not exceeding one hundred (100) feet in width,^{way.} and to construct the same, and for the purpose of cutting an embankment and for obtaining gravel and other material, to take as much land as may be necessary for the purpose of construction, operation and security of the road, or cut down any trees that may be in danger of falling on the track of the road, or of obstructing the right-of-way, making compensation therefor, as provided in the section for property taken for the use of the company.

SEC. IV. *Be it further enacted*, That in the event said company and the owner of any land necessary to said railroad, through which said company desires to build its road, whether said lands be in the hands of the owner or a trustee, executor, administrator or guardian or corporation, cannot agree upon the price to be paid therefor, then either party may apply to the sheriff of the county in which the land lies to summon a jury of five disinter-^{Jury.}ested freeholders, who shall go where the land required is situated and examine the land and such witnesses as the parties desire, and assess the damages, and the jury trying said case shall be sworn to well and truly try the issues involved, and also to take into account the benefits accruing to said land by reason of the building of said railroad, but in no case shall the jury give less^{Oath of.} damages than the actual value of the land to be taken. The party moving shall in all cases give to the opposite party ten (10)^{Damages.} days' notice of the time and place of trial, and either party shall have the right to enter an appeal to the next Superior Court of^{Notice.} the county by complying with the law in relation to appeals to the Superior Court; *Provided*, that during the pendency of such appeal the company shall be estopped from taking or damaging the right-of-way condemned under these proceedings until just and adequate compensation is first ascertained and paid. The^{Appeal.} sheriff shall have the sum of five (\$5.00) dollars for summoning said jury and attending the trial, and the jurors shall have the sum of one (\$1.00) dollar each for every day they serve, and the witnesses seventy-five (75) cents per day each, to be paid by said railroad company, and the sheriff, or his deputy, shall have power to swear the jury and witnesses in all such cases, and when the assessment so made shall be paid, then the land shall^{Fee of Sheriff, jurors and witnesses.} vest in said company for railroad purposes only.^{Payment.}

Incorporating the Cartersville, Marysville and Knoxville Air-Line Railroad Company

Officers. SEC. V. *Be it further enacted,* That the officers of this company shall consist of a president, a vice-president and a board of directors. Said board shall consist of not less than three (3) nor more than eleven (11), to be chosen as hereinafter prescribed.

Provisional directors. SEC. VI. *Be it further enacted,* That for the first five years after the passage of this Act, that the original incorporators named herein shall be, and are hereby declared the directors of this company, and they can, if they, or the majority of them, deem best, increase their number to eleven (11) by electing six (6). The six thus elected shall be considered among the original incorporators of said company.

Elections by directors. SEC. VII. *Be it further enacted,* That the president and vice-president shall be elected by the board of directors, either from among their own number, or an outsider, as they may deem best.

Vacancies. SEC. VIII. *Be it further enacted,* That all vacancies in the board of directors, caused either by death or resignation, shall be filled by the directors themselves choosing the party to fill the vacancy.

General power of directors. SEC. IX. *Be it further enacted,* That the board of directors shall have full power and authority to enact any and all rules and regulations pertaining to the election of the officers, servants and employees for said road; they have full power and authority to authorize the making of any and all contracts that they deem best for the railroad company; they have full power and authority to borrow any amount of money they may deem necessary for the company by issuing bonds to any amount, not to exceed three

Bonds, etc. millions (\$3,000,000) of dollars, said bonds to be secured by mortgage or mortgages to trustees on the whole or any part of the property of this company, its rights and franchises; said bonds and mortgages must be signed by the president and treasurer of said company, must have the corporate seal upon them, and they shall designate on their face the place of payment. Such bonds and mortgages shall only issue and be executed whenever the majority of the board of directors shall by resolution so direct; the resolution when passed must be entered upon the minutes of said board and must fully describe the character of the bonds to be issued and the property mortgaged to secure them. The board of directors shall have full power and authority to enact all by-laws, rules and regulations that may be necessary to carry on the business of the company; they have full power and authority to pass all the rules necessary for the collecting and forfeiting the unpaid subscriptions to the company; they have full power and authority to do anything and everything that they deem best for the welfare of the company.

By-laws, etc.

SEC. X. *Be it further enacted,* That the capital stock of said

Incorporating the Cartersville, Marysville and Knoxville Air-Line Railroad Company.

company shall not be less than one hundred and fifty thousand (\$150,000) dollars, and may be increased to two million (\$2,000,000) dollars, and the board of directors are hereby authorized to open subscription books for the same. Each share of the stock in said road shall be one hundred (\$100) dollars, and the holder thereof shall be entitled to one vote in the election of the board of directors as hereinafter prescribed. Capital stock.
Subscription books.
Vote of stockholders.

SEC. XI. *Be it further enacted*, That at the expiration of the term of office held by the directors, created by this Act, and yearly thereafter, there shall be held by the stockholders of said company an election for directors under the same rules as govern the election of directors in other corporations of like character. The directors when thus chosen shall elect their president and vice-president as prescribed in section 7 of this Act. First meeting of stockholders, etc.

SEC. XII. *Be it further enacted*, That said railroad company shall have the right to purchase or unite with any other railroad in this State or other States, and its property and franchise, or any part thereof, upon such terms and conditions as may be agreed on by the stockholders of all the contracting parties or companies; *Provided*, that no such contract shall have the effect to defeat or lessen competition or to encourage monopoly; *Provided*, that no such contract or consolidation shall have the effect to make the corporation thus formed a foreign corporation, but said corporation shall always remain a corporation of this State and subject to the laws thereof. Purchase or union with other roads.
Prov' so.

SEC. XIII. *Be it further enacted*, That the principal office of this railroad company shall be located at Cartersville, Bartow county, Georgia, at which office all meetings of the stockholders and the annual election of president, vice-president and directors shall be held. Principal office.

SEC. XIV. *Be it further enacted by the authority aforesaid*, That the corporators shall have no power to transfer their charter before at least ten miles of said road is graded and ironed ready for the rolling stock, and in the event of such transfer before at least ten miles of said road is graded and ironed and ready for rolling stock, then and in such event this charter is forfeited. Transfer of charter.

SEC. XV. *Be it further enacted by the authority aforesaid* That this Act of incorporation shall continue and be of force for the term of fifty (50) years. Term of charter.

SEC. XVI. *Be it further enacted*, That the general direction and location of said railroad shall be at least ten miles from any railroad already constructed, but this section shall not be so construed to refer to any point within ten miles of either of the Distance from other roads.

Incorporating the Louisville, Waynesboro and Alexander Railroad Company.

termini, or to prevent said roads from running as near to each other for the first ten miles from either terminus as the ~~interest~~ of the company building the road herein authorized may dictate.

When construction must begin.

SEC. XVII. *Be it further enacted*, That all powers, rights, privileges and immunities hereby granted shall cease and determine unless said company shall, within five years from the passage of this Act, commence and *bona fide* continue the construction of the route of railroad herein authorized.

SEC. XVIII. *Be it further enacted*, That all laws and parts of laws that are in conflict with this Act be, and the same are hereby repealed.

Approved September 29, 1887.

INCORPORATING THE LOUISVILLE, WAYNESSBORO AND ALEXANDER RAILROAD COMPANY.

No. 240.

An Act to incorporate the Louisville, Waynesboro and Alexander Railroad Company; to define its rights, powers and privileges, and for other purposes.

Corporators.

Corporate name.

General powers.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That J. F. McElmurray, Joseph A. Shewmake, C. T. Belt, Alex. Lively and Wm. Chandler be, and they are hereby, together with such others as they associate with them, their successors and assigns, incorporated and made a body corporate and politic under the name and style of the Louisville, Waynesboro and Alexander Railroad Company, and by that name shall have continuous succession and be capable of suing and being sued, pleading and being impleaded in any court, and shall have power to adopt and use a corporate seal, the same to alter and renew at pleasure, and may make and adopt such rules and by-laws for the government of said corporation as they may deem proper, repeal or amend the same by a vote of a majority of the board of directors hereinafter provided, and do and perform all acts incident to the proper carrying out of the purposes of this Act, not inconsistent with the laws of this State and of the United States, and may acquire, purchase, hold or receive gifts of real estate for right-of-way, or condemn the same as hereinafter provided by existing law, and shall have power to issue stock, bor-

Incorporating the Louisville, Waynesboro and Alexander Railroad Company.

row money, issue bonds, and secure the same by mortgage or otherwise as hereinafter provided.

SEC. II. *Be it further enacted*, That the right-of-way of said company shall not exceed fifty feet each way from the center of the track, and that said company shall have power to survey, lay out, locate, construct, own, operate, equip and use a line of either broad or narrow gauge railroad from Louisville, in the county of Jefferson, by way of Waynesboro and Alexander in the county of Burke, to the Savannah river in said county of Burke, or the county of Burke at, or above, or below Brown's Ferry on said Savannah river, the same to be built over the most practicable route between the points aforesaid. Right-of-way.
Route.

SEC. III. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars. Said stock shall be divided into shares of one hundred dollars each, and may be paid in land, labor, material or cash under such rules and regulations as may be provided by the board of directors, and whenever the said stock subscriptions have reached the amount of twenty thousand dollars, actually paid as above provided, the said company are authorized to enter upon the carrying out the purposes of this Act, having first elected a president and five directors by a majority vote of all the stockholders, each stockholder being entitled to one vote for each share of stock held by him, to be given either in person or by proxy. Capital stock.
Payments for.
When business may begin.
Election of officers.
Vote of stockholders.

SEC. IV. *Be it further enacted*, That books of subscription to said capital stock shall be first opened under the superintendence of the corporators herein named, or a majority of them, in such places, and at such time or times as they may deem expedient, which said subscriptions shall, or may be paid as above provided, in such manner and amount as the board of directors may determine. Books of subscription.

SEC. V. *Be it further enacted*, That said board of directors shall continue in office until their successors are elected and qualified, and shall have power to make all such by-laws, rules and regulations, as they may deem proper, not in conflict with the laws of this State or of the United States. Provisional directors.

SEC. VI. *Be it further enacted*, That said company shall have authority to construct its railroads upon any lands purchased by it, or granted to it for said purpose, and in cases where said lands cannot be secured in any other way, it may enter upon and condemn said lands for right-of-way according to the laws of this State as contained in the Code, Section 1689 (1): *Provided*, that no property shall be taken, used or damaged until just compensation has been paid to the owner thereof. Disputed right-of-way.
Proviso.

Amending Charter of the West End and Atlanta Street Railroad Company.

SEC. VII. *Be it further enacted*, That the said corporation shall have power to commence operations and exercise all the powers herein named, as soon as twenty thousand dollars of its capital stock shall have been subscribed and paid in.

SEC. VIII. *Be it further enacted*, That the general direction and location of said railroad shall be at least ten miles from any railroad already constructed, but this section shall not be construed to refer to any point within ten miles of either terminus.

SEC. IX. *Be it further enacted*, That if the incorporators or directors of said Railroad, or their assignees or successors, should not in good faith begin work in conformity with this charter within a period of five years from the date of its passage, then and in that case, the grants hereby given shall become null and void, and the franchises conferred by this charter shall be null and void in the hands of any transferees or assignees if the charter is transferred or assigned before ten miles are graded, fully ironed and equipped with rolling stock.

SEC. X. *Be it enacted*, That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Approved September 29th, 1887.

AMENDING CHARTER OF THE WEST END AND ATLANTA STREET RAILROAD COMPANY.

No. 262.

An Act to amend an Act to incorporate the West End and Atlanta Street Railroad Company, and for other purposes, approved August 26, 1872, by granting to said company which now exists under the corporate name of The West End and Atlanta Street Railway Company, the right to exist under its present organization and to extend its line to West View Cemetery, and to run lines to such other places in Fulton county as said corporation may select, and to operate its cars by steam or otherwise, and for other purposes.

WHEREAS, The West End and Atlanta Street Railroad Company was duly incorporated by an Act of the General Assembly of the State of Georgia, approved August 26, 1872, and as such corporation duly executed and delivered a mortgage on all its rights, privileges, franchises and property of every character and description, and said mortgage was duly foreclosed in favor of the holder thereof, the Gate City National Bank of Atlanta, under proper proceedings in the Superior Court of Fulton county, Georgia;

Amending the Charter of the West End and Atlanta Street Railroad Company.

AND WHEREAS, Under said foreclosure proceedings and the execution, levy and sale resulting therefrom, T. J. Hightower and others purchased the rights, privileges, franchises and property and associated with them, T. G. Healey and others with the desire of forming a new corporation for the purpose of running, possessing, maintaining and operating said street railway company under the laws of Georgia, and pursuant to section 1689 (v) of the Code of Georgia, filed with the Secretary of State of said State on June 3, 1885, a certificate of incorporation of said West End and Atlanta Street Railway Company, which certificate was in conformity with the law and operated to make said purchasers and their associates a body corporate as therein set out. Now, therefore,

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the said certificate filed with the Secretary of State as aforesaid, incorporating "The West End and Atlanta Street Railway Company," be, and the same is hereby made legal, valid and binding in all respects, and that the said company is hereby declared a legal corporation thereunder, possessing all the powers, rights, immunities, privileges and franchises in respect to such company and to the real and personal property appertaining to the same which were possessed or enjoyed by the said West End and Atlanta Street Rail Road Company, incorporated August 26, 1872, as aforesaid, under or by virtue of its charter, and any amendments thereto, and of other laws of this State, and with the same validity as if said Street Railway Company had been made a new corporation by special Act of the General Assembly of this State.

SEC. II. *Be it further enacted by the authority aforesaid*, That the said company hereby has authority to extend its line from the present terminus in West End, in Fulton County, to West View Cemetery, and to run such other lines to such other places in said county as said company may determine upon, and to operate its cars by steam or horse-power, or otherwise as it may see proper; *Provided*, that the consent of the corporate authorities of such town or city as said lines may pass through, be obtained before said company shall be allowed to operate its cars by steam. And provided further that the consent of the Board of County Commissioners shall be first obtained before said company shall have the right to run street lines on or across the public roads of the county.

SEC. III. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict herewith are hereby repealed.

Approved October 1, 1887.

INCORPORATING THE ORE BELT RAILROAD COMPANY.

No. 333.

An Act to incorporate the Ore Belt Railroad Company, and for other purposes.

Corporators. **Corporate name.** **General powers.** SECTION I. *Be it enacted by the General Assembly of Georgia,* That Miller A. Wright, A. Richardson, and C. G. James, of Polk county, and A. T. Harper and J. M. Walker, of Floyd county, Georgia, and such other persons as they may associate with them be, and they are hereby constituted a body politic and corporate, by the name of the Ore Belt Railroad Company, and as such, may make contracts, have and use a common seal, sue and be sued, and do any and all acts, and have all such powers properly incident to and connected with corporations, and necessary for the organization, control and transaction of the business of a railroad company.

Route. SEC. II. *Be it further enacted,* That said company shall have power to lay out, survey, construct, equip and use a railroad from any point at, or near Cedartown, in Polk county, to any point at, or near Cave Spring, in Floyd county, and shall have power to survey, lay out and construct open tracks and short branch lines, in any direction from the main line aforesaid, to any manganese, iron, or other ore bed along or near the said main line, to carry passengers and freight over said road for reasonable or legal compensation, which they are empowered to collect; to open books and procure subscriptions for stock, in manner and at such times and places as may be thought proper; to borrow money, and make contracts on account of said road, and to lease, mortgage or sell the same if they choose.

Stock subscriptions. **Borrowing money, etc.** **Capital stock.** **Vote of stockholders.** **Officers.** SEC. III. *Be it enacted,* That the capital stock in said company shall not exceed three hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The stockholders shall elect a board of directors and each share shall be entitled to a vote. The board of directors shall elect one of their number to be president of said company, and such other officer or officers as they may deem necessary or convenient, each director being entitled to one vote in such election.

May purchase and hold realty. SEC. IV. *Be it further enacted,* That said company, through its directors, shall have power to purchase, and hold in fee-simple, or receive as a donation, any lands, tenements or hereditaments necessary for the building, equipping, running and furnishing said road in material for its use and all rhgts-of-way of lands,

Incorporating the Ore Belt Railroad Company.

and all privileges in all water courses that lie in or across the line of said road, that may be necessary for the purposes aforesaid, and in all cases in which any controversy may arise between the owners of such lands or privileges as to the right-of-way, or damages to said lands or water privileges, that may accrue by reason of the location of said road, it shall be lawful for either party to apply to the sheriff of the county in which said land or water privileges may be located, and said sheriff shall summon a jury of five freeholders, who, after being sworn, shall take into consideration the differences of the owner of the lands or water privileges and the company or its board of directors, and award in writing the amount of damages if any, to be paid by said company, either party having the right of appeal within four days to the Superior Court of said county; *Provided*, that no property shall be damaged or taken by said railroad company or condemned for the use of said company without just and adequate compensation being first paid.

SEC. V. *Be it further enacted*, That said company shall have full power and authority to construct such railroad through any streets of Cedartown or Cave Spring, as may be agreed upon by the corporate authorities of said towns and said company, and over any public road or railroads which may be in the route of said railroad, as located and determined by the engineer of said company.

SEC. VI. *Be it further enacted*, That said corporation shall have full power to make such by-laws and rules as may be deemed necessary or convenient for the objects of their association, not inconsistent with existing laws.

SEC. VII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15th, 1887.

AMENDING CHARTER OF THE BRUNSWICK STREET RAILROAD COMPANY.

No. 344. .

An Act to amend an Act entitled an Act to incorporate The Brunswick Street Railroad Company and to define its rights, powers and privileges.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That an Act entitled an Act to incorporate The Brunswick Street Railroad Company, and define its rights, powers and privileges, approved September 14, 1883, and published in the laws of Georgia 1882 and 1883, pages 218 and 219, be amended as to the sixth section thereof, by striking from the 3, 4 and 5 lines of said section after the word "Glynn" on the third line, the words "over and beyond the corporate limits of said city, not more than three miles from the present corporate limits," and by inserting in said section in place of said words the words, "to any point in said county of Glynn, in the State of Georgia, and should such extension be made to a point in said county of Glynn separated from the city of Brunswick by a navigable stream or streams, said company may establish ferries, purchase ferry-boats, build docks at each terminus of said roads, and exercise the exclusive control over said docks," so that said section six of said Act as amended shall read as follows: "That the said The Brunswick Street Railroad Company may extend any one or more of their lines of roads in the county of Glynn to any point in said county of Glynn, in the State of Georgia, and should such extension be made to a point in said county of Glynn, separated from the city of Brunswick by a navigable stream or streams, said company may establish ferries, purchase and own ferry boats, build docks at each terminus of said road or roads, and exercise the exclusive control over said docks, should they see proper so to do, and in that event, the damages to the owners of strip or strips of land through which said road may run, shall be ascertained and settled in the same manner as is prescribed by the charter of the Macon and Brunswick Railroad Company.

SEC. II. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 20, 1887.

AMENDING CHARTER OF THE ROME AND NORTHEAST RAILROAD COMPANY.

No. 349.

An Act entitled "An Act to incorporate the Rome and Northeast Railroad Company, with power to build branch roads, and to establish plants for the manufacture of iron and to establish iron furnaces, and for other purposes," approved December 20th, 1886, by striking from the third section thereof the following words, to-wit, "Provided, that the general direction and location of such new railroad shall lie at least ten miles from any railroad already constructed, but this section shall not be construed to refer to any point within ten miles of either terminus."

SECTION. I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, section third of "An Act to incorporate the Rome and Northeast Railroad Company, with power to build branch roads and, to establish plants for the manufacture of iron, and to establish iron furnaces, and for other purposes," approved December 20, 1886, be amended by striking therefrom the following words, to-wit: "Provided, that the general direction and location of such new railroad shall be at least ten miles from any railroad already constructed, but this section shall not be construed to refer to any point within ten miles of either terminus, so that said section when so amended shall read as follows: "*Let it be further enacted*, that said company shall have the power and authority to survey, lay out, construct and equip and use a railroad of such gauge as they may elect from the city of Rome in a northeast direction to a point near or at Gainesville, Georgia, on the Piedmont Air-Line Railroad, and to connect therewith, and by or upon such route as they may choose or adopt through the counties of Floyd, Bartow Cherokee, Forsyth, Dawson and Hall and use and enjoy the same and to charge for the transportation of passengers and freight such rates as may be just and legal."

Section 3rd
Act of De-
cember 20,
1886, amen-
ded.

Proviso
stricken.

Section as
amended.

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 20, 1887.

Incorporating the Eatonton and Athens Railroad Company.

INCORPORATING THE EATONTON AND ATHENS RAILROAD COMPANY.

No. 359.

An Act to incorporate the Eatonton and Athens Railroad Company; to confer certain privileges upon the same, and for other purposes therein provided.

Name of
Corpora-
tors.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That Jno. T. Dennis, Chas. D. Leonard, Frank Leverett, W. F. Jenkins, Robt. Young, E. M. Brown, C. M. Davis, Wm. L. Turner, Jas. S. Turner and Robt. D. Stubbs, of the county of Putnam, and such other persons as may be associated with them under said name, shall be, and they are hereby made a body politic, with all the rights and privileges common and necessary to such a corporation, and such other rights and privileges as are hereinafter provided for, under the name and style of the Eatonton and Athens Railroad Company.

Corporate
name.

Route.

SEC. II. *Be it further enacted*, That said company be authorized to construct a railroad, with one or more tracks, from Eatonton, in Putnam county, to Athens, in Clarke county, through Madison, in Morgan county.

Books of
subscrip-
tions.

General
powers.

SEC. III. *Be it further enacted*, That said corporators, their associates and successors, be, and the same are hereby authorized, for the purpose of securing stock in said company, to open books and procure subscriptions of stock at the rate of one hundred dollars per share, at such times and places as they may deem proper; to borrow money, issue certificates of stocks and other certificates or evidences of debt or claim as may be deemed expedient; to issue bonds and other securities, and to make the same convertible to stock at the pleasure of the holder; to create mortgages and other liens to secure loans, or otherwise pledge the road or other property of the company; to make any and all lawful contracts for the purchase of cars, iron, rails, material for depots, and other articles and things that may be necessary to carry out the object of the incorporators; to buy, sell, hold and use real and personal property; to sue and be sued; plead and be impleaded in any of the courts of this State, or of the United States, and to have and enjoy all and singular the rights and privileges usually conferred upon corporations of this character.

Calls for
payments
on stock.

SEC. IV. *Be it further enacted*, That calls for the payment of shares of stock by the subscribers may be made at such times and in such installments as may be deemed expedient by the di-

 Incorporating the Eatonton and Athens Railroad Company.

rectors and consistent with the terms of subscription, notices of such calls being first given in some public gazette most accessible to the subscribers and having a general circulation about them for thirty days. When notice is given, if any shareholder shall fail or refuse to pay in the installments required in such call by the president and directors, or a majority of them, within ninety days after the call shall have been advertised as aforesaid, it shall and may be lawful for the president and directors, or a majority of them, to sell at public auction, and to convey to the purchaser or purchasers, the share or shares of the defaulting stockholders. Twenty days' notice of the time and place of sale must be given, and after retaining the sum due under said call and all the expenses incident to the sale out of the proceeds, they shall pay the surplus to the former owner or his legal representative or assignee, and any of the purchasers of stock under said sale shall be subject to the same rules and regulations as the original owner, and no sale by the original proprietor of stock or assignees shall relieve the original proprietor from his obligation to the company to pay the full amount of his subscription. In addition to the foregoing remedy, the president and directors may proceed by action assumpsit or debt in any of the courts of law in this State for the recovery of the installments due and not paid by any delinquent stockholder or his assignee, who shall not pay the same on requisition, made in the manner and form as aforesaid, or the president and directors, or a majority of them, may declare the share or shares of any stockholder in arrears, after thirty days' notice, forfeited for the use and benefit of the company.

SEC. V. *Be it further enacted*, That the said railroad, together with all the rights, privileges and franchises, and also all of the shares of stock held by the company or any member thereof, may be sold, leased, transferred or assigned in such manner as may be directed by the by-laws of said company, and shall have full power to consolidate or connect with any other railroad company in or out of this State; *Provided*, that in case of sale or consolidation, the purchaser or purchasers of the consolidated company shall assume all the liabilities of the company in debts or bonds, with interest thereon at the time; *Provided also*, that nothing contained in this section shall be so construed as to allow said railroad to make, or become a party to, any sale, purchase, lease, contract, agreement or consolidation which may have the effect, or be intended to have the effect, of defeating or lessening competition or encouraging monopoly.

SEC. VI. *Be it further enacted*, That the capital stock of said company shall be fixed at one hundred thousand dollars, but if this sum is deemed insufficient by a majority of the board of di-

Failure to
pay.

Sale, lease,
etc., of the
road, etc.

Provisos.

Capital
stock.

rectors, it shall and may be lawful, at some general meeting of the stockholders from time to time, to increase the same to an amount sufficient to carry out the object of the corporators by the addition of as many shares as may be necessary for that purpose, so as to make the total capital stock of said company not to exceed the sum of five hundred thousand (\$500,000.00) dollars, and the president and directors shall first give the individual stockholders for the time, or their legal representatives, the option of taking such stock, and if the same is not taken by said stockholders, the president and directors may cause books to be opened under the direction of commissioners to be appointed by them at such time and place as they may designate, which shall be duly advertised, for subscription for such additional stock, or for so much thereof as may not be taken by the individual stockholders, and the subscribers for such additional shares are hereby thenceforward incorporated into said company with all the privileges and advantages, and subject to all the regulations and liabilities of the original stockholders.

Rights as
carriers.

By laws.

Provision-
al direc-
tors.

Disputed
right-of-
way.

Jury.

Appeal.

Oath of
Jury.

SEC. VII. *Be it further enacted*, That said company shall have the exclusive right of transporting goods, persons, merchandise and other articles and things over said road, to be by them constructed, and shall have power to fix and establish such rates of charges as the board of directors may establish, not inconsistent with the Constitution and laws of this State, and shall have power to pass all by-laws and regulations necessary to carry out the object of the corporators, subject to the laws of this State and of the United States.

SEC. VIII. *Be it further enacted*, That the incorporators herein named shall be *ex officio* directors for said road until their successors are elected, and shall have power to elect their president and treasurer and all other officers and agents that they may deem necessary and to fill all vacancies that may occur by death, resignation or otherwise.

SEC. IX. *Be it further enacted*, That in obtaining the right-of-way along the line of said projected road, when a question of right-of way may arise, and the parties being unable to agree, upon the application of either party the sheriff of any county in which the land is situated shall summons a jury of twelve freeholders of the county, who shall assess the damages to be paid by the company for running said road through the land of the citizen, saving to either party the right to appeal to the Superior Court of the county, in which event the foreman of the jury shall return the proceedings, together with the appeal bond, within ten days from the day of their finding, to the Clerk of said Superior Court. In such trials the jury shall be severally sworn in assessing damages to take into account the probable enhanced value of

Amending Charter of the Savannah and Western Railroad Company.

the land by reason of the building of the road through the land, in addition to the oath to truly and justly assess said damages; *Provided*, that in no case shall the right-of-way extend more than fifty feet in width on each side of said road, but in no case shall the amount of damages be less than the actual value of the land taken. Width of right-of-way. Damages.

SEC. X. *Be it further enacted*, That all the rights, powers, privileges and authority herein granted shall lapse and become void, and of no effect unless said railroad company shall, within five years from the date of the approval of this Act, begin to construct and operate said railroad. When construction must begin.

SEC. XI. *Be it further enacted by the authority aforesaid*, That the corporators shall have no power to transfer their charter before at least five miles of said road is graded and ironed, ready for the rolling stock, and in the event of such earlier transfer the charter shall be forfeited thereby. Transfer of charter.

SEC. XII. *Be it further enacted by the authority aforesaid*, That the general direction and location of the road hereby chartered shall be at least ten miles from any railroad already constructed, or in process of construction, but this section shall not be construed to refer to any point within ten miles of either terminus. Distance from other roads.

SEC. XIII. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 22, 1887.

AMENDING CHARTER OF THE SAVANNAH AND WESTERN RAILROAD COMPANY.

No. 361.

An Act to amend an Act to incorporate the Savannah and Western Railroad Company; to define its rights, powers and privileges, and for other purposes, approved October 9th, 1885.

SECTION I *Be it enacted by the General Assembly of the State of Georgia*, That Section VIII. of the above entitled Act be amended by striking therefrom the words, "Provided, that no street of said city shall be so used which is between East Broad street and West Broad street." Section 8 of Act of Oct. 9, 1885, amended. Provision as to streets stricken.

SEC. II. *Be it further enacted*, That Section IX. of the above entitled Act be amended by adding thereto the following words: "And the said Savannah and Western Railroad Company is expressly authorized and empowered to survey, locate, construct, Section 9 amended.

Amending Charter of Covington and Macon Railroad Company.

Route.

build, equip, maintain, use and operate a railroad from its point of intersection with the East Tennessee, Virginia and Georgia Railroad to some point on the line between the States of Alabama and Georgia, in the county of Muscogee, Harris, Troup, Heard or Carroll.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved October 22, 1887.

AMENDING CHARTER OF COVINGTON AND MACON RAILROAD COMPANY.

No. 377.

An Act to ratify and confirm to the Covington and Macon Railroad Company the right and authority to make certain extensions of the main line and to build certain branches of said railroad obtained under the general law for the incorporation of railroads, approved September 27th, 1881; to amend the Act, approved October 6th, 1885, ratifying the charter of said company, so as to authorize such extensions and branches, and for other purposes.

Preamble. WHEREAS, The Covington and Macon Railroad Company did, during the years of 1886 and 1887, obtain authority, under the general law for the incorporation of railroads in this State, to build branch roads from the town of Monticello, in the county of Jasper, to the city of Athens, in the county of Clarke, and also from the town of Monticello aforesaid to the city of Griffin, in the county of Spalding, said branches running from the main line at Monticello to the points aforesaid; and

WHEREAS, Said Covington and Macon Railroad Company also obtained authority under said general law to extend its main line from the city of Macon, in the county of Bibb, through the counties of Houston, Dooly, Worth, Irwin, Berrien, Colquitt, Brooks and Lowndes to some point on the Florida line: Now, therefore,

Rights as
to branch
lines and
extensions
confirmed.

SECTION I. *Be it enacted by the General Assembly of the State*, That the authority and right to build, equip and operate the branch roads aforesaid, and to make, build, equip and operate said extension of said main line of said railroad through the counties aforesaid, be, and the same is hereby ratified, granted and confirmed unto the said Covington and Macon Railroad Company, as if the same had been originally granted by the General Assembly, with all the rights, privileges, powers and immunities

Amending Charter of Covington and Macon Railroad Company.

contained in or conferred by the general law aforesaid in such cases; and the Act of the General Assembly, approved October 6th, 1835, confirming the charter of said Covington and Macon Railroad Company, shall be, and the same is hereby so amended as to authorize and empower said railroad company to lay out, construct, equip and operate the said branch road from Monticello, in Jasper county, through the counties of Morgan, Oconee and Clarke to Athens as aforesaid, and said branch road from Monticello aforesaid through the counties of Jasper, Butts and Spalding to Griffin as aforesaid, and also to make and operate said extension of the main line from Macon, in the county of Bibb, through the counties of Houston, Dooly, Worth, Irwin, Berrien, Colquitt, Brooks and Lowndes, or such other counties in the direction indicated as may be desired, and to build, equip and operate any other extension or branches of said main line as the board of directors may determine to be for the interests of said company.

Act of Oct
6, 1885,
amended.

SEC. II. *Be it further enacted*, That nothing contained in this Act, or the charter of which it is amendatory, shall be so construed as to allow the condemnation of the tracks of any other railroad company, except for the purpose of crossing, nor more than two miles of the right-of-way of any other railroad company, and then only for the purpose of reaching the common or passenger depot in any city, town or village through or to which said railroad may run.

Condem-
nation of
tracks of
other
roads.

SEC. III. *Be it further enacted*, That unless said Covington and Macon Railroad Company shall, within five years from the date of the approval of this Act, commence in good faith to construct and operate the contemplated extension from the city of Macon to the Florida line, all right and authority conferred by this Act to construct and build said extension below Macon shall cease and become null and void.

Must begin
work on
southern
extension,
when?

SEC. IV. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

INCORPORATING THE COLUMBUS AND BUENA VISTA RAILROAD COMPANY.

No. 378.

An Act to incorporate the Columbus and Buena Vista Railroad Company; to define its rights, powers and privileges, and for other purposes.

Corporators. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That William L. Tillman, Rollin Jefferson, Robert Bowman, Wm. A. Little, T. J. Chappell and U. B. Butt, and their associates, successors and assigns, be, and they are hereby incorporated and made a body politic under the name and style of the Columbus and Buena Vista Railroad Company, and by that name shall have continuous and perpetual succession as a corporation, with power to sue and be sued, plead and be impleaded, have and use a common seal, and alter the same at pleasure, make by-laws, to acquire, hold, use and at pleasure dispose of property of all kinds, and generally to have and exercise all powers incident to corporations.

Corporate name.
General powers.
Route. SEC. II. *Be it further enacted,* That said company shall have full power and authority to survey, lay out, construct, build, equip, maintain and operate a railroad from the city of Columbus, in the county of Muscogee, in this State, to the city of Buena Vista, in the county of Marion, through the counties of Muscogee, Chattahoochee and Marion, either or all of them, and from the city of Buena Vista, in an easterly or southerly direction, to connect with any other railroad now built or which may be hereafter constructed.

Surveys, etc. SEC. III. *Be it further enacted,* That for the purpose of constructing, maintaining and operating said line of railroad, said company is empowered to cause such examinations and surveys to be made of the proposed route as shall be necessary to the selection of the most advantageous route, and for that purpose is empowered to enter the land of any person or corporation, to acquire by gift, purchase or condemnation property necessary for the construction, maintenance and accommodation of the said railroad, and for stations, wharves, docks, terminal facilities; to lay out its line of road on a right-of-way not over two hundred feet in width, and for the purpose of cutting and filling for obtaining gravel and material to take as much land as may be necessary for the proper construction and security of said road, making compensation therefor in the manner prescribed in this Act; to

Right-of-way, etc.

Incorporating the Columbus and Buena Vista Railroad Company.

construct its railroad across, along and upon any water-course, street or highway and along or across any other railroad which the route of its railroad shall intersect or touch; to join or unite its railroad with any other railroad heretofore or hereafter constructed, with the necessary turn-outs, siding and switches and other conveniences, and may run over the right-of-way of any other railroad to its freight or passenger depot shops, etc.; to convey persons and property over its road and to receive compensation therefor, and to do all things necessary to a railroad business; to borrow money in such sums and upon such terms as its board of directors may agree, and to secure the same may execute one or more trust deeds and mortgages, either or both, on the property, rights and franchises of said company; *Provided*, that nothing herein contained shall be so construed as to allow said railroad company the right to condemn the track of any other railroad company, nor more than two miles of the right-of-way of any other railroad company, and then only to reach the common or passenger depot in any city or town to or through which said railroad may run, nor shall said railroad company have the right to make any contract, agreement or consolidation with any other railroad company which shall have the effect of defeating or lessening competition or encouraging monopoly.

Tolls.

Borrowing money, etc.

Con demnation of track of other roads.

Competition.

SEC. IV. *Be it further enacted*, That the capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but said company may commence work whenever twenty-five thousand dollars of its stock has been *bona fide* subscribed.

Capital stock.

SEC. V. *Be it further enacted*, That the incorporators hereinbefore named, or a majority of them acting in person or by proxy, may open books of subscription to the capital stock of said company at such times and places as they may deem expedient. said subscriptions to be paid in cash or its equivalent, as may be agreed on, and may be made payable in installments.

Books of subscription

SEC. VI. *Be it further enacted*, That if any stockholder shall neglect or refuse to pay his subscription, or any installment thereon, within sixty days from the time the same becomes due, then the amount paid shall be forfeited to the company, or the company may at its option sue for the amount of such subscription or the balance due thereon.

Failure to pay for stock.

SEC. VII. *Be it further enacted*, That when said company and any person or corporation through or on whose lands or right-of-way it is desired said railroad shall be located or constructed, or on which it is desired to locate and erect depots, buildings, shops, stations or other appurtenances, cannot agree on the compensation to be paid for the right-of-way or title to such lands, then, notwithstanding such a disagreement, it shall be

Disputed right-of-way.

Incorporating the Columbus and Buena Vista Railroad Company.

lawful for said company to construct its railroad over such lands or right-of-way and use the same for the purposes aforesaid upon paying to the owner of such land or right-of-way just and reasonable compensation therefor. When such compensation cannot be agreed on, it shall be determined as follows: The

Assessors. company and said owner shall each choose an assessor; if such

Failure to choose, etc. owner fail or refuse to choose an assessor, or shall be a lunatic, idiot, minor or other person laboring under legal disqualification without a legal representative, the ordinary of the county in which the land is located shall select an assessor for such owner of the land or right-of-way. The two assessors thus selected

Oath. shall make choice of a third: the three shall be sworn by an officer authorized to administer an oath to do justice between the

Evidence. parties, and, after hearing all competent evidence offered by either party touching the benefits as well as the damages resulting to the owner from the location of said road on said land or right-of-way, or the use of the land for the purpose aforesaid, the

Award. said assessors, or a majority of them, shall assess the damages to be paid by said railroad, or the value of the property so sought to be condemned, as the case may be. Their award shall be in writing and designate the property condemned, and shall be filed in the office of the clerk of the Superior Court of the county in which the land lies; the clerk shall record the same in his office, and if it is not appealed from, it shall have the effect of a judgment of the Superior Court. Either party dissatisfied with the award may

Appeal. appeal therefrom to the Superior Court by giving written notice of such appeal to the opposite party within ten days from such award being made. In case the owner labors under disabilities, as hereinbefore provided, and is without legal representative, the ordinary may appeal and give notice for such owner, or the company may appeal upon giving notice to said ordinary for such

Trial. owner. The case on appeal shall be tried as other cases at common law, with the right of either party to carry the same to the Supreme Court. Should no appeal be entered within ten

If no appeal. days, and the company fail or refuse to pay the amount of the award, then the clerk shall issue execution on said award and subsequent proceedings thereon shall be the same as in cases of

Payment of money. executions issued on judgments. All sums collected by the ordinary for persons laboring under disabilities contemplated shall be held for the use of such persons and shall be considered as a part of their estate to be paid to representatives to be appointed by them according to law. In all cases the right-of-way or title to the property shall remain in the company.

Principal office. SEC. VIII. *Be it further enacted,* That the principal office of said company shall be in the city of Columbus, but the board of directors shall have the power to change the principal office to any other point on said road.

Incorporating the Columbus and Buena Vista Railroad Company.

SEC. IX. *Be it further enacted*, That said company is hereby authorized and empowered to merge and consolidate its capital stock, property, franchises and rights with any other railroad company or corporation whenever the same may form a continuous line with each other, or by means of any intervening road or roads, and said consolidation may be effected by its board of directors in such manner and under such terms and conditions and under such name as a majority of the stockholders may determine. Merged, etc., with other corporations.

SEC. X. *Be it further enacted*, That the affairs of said company shall be managed by a board of six directors, but the stockholders by a majority vote may increase the same to not more than thirteen. The directors shall be elected annually at such times and places as the by-laws may designate. The directors shall choose from their number a president and shall provide for the appointment of such other officers, agents and servants as the business of the company requires, and fix their salaries, and may by authority of a majority vote of the stockholders issue preferred stock, adopt by-laws and do all things incident to the management and direction of such corporation. The incorporators herein named are hereby constituted the first board of directors, and shall hold their offices until their successors are elected; they may organize any time after the passage of this Act and appoint a time for the first election of a board of directors; their successors and assigns shall have all the powers herein specially conferred on them. Vacancies occurring in any board of directors may be filled by the remaining members of the board. Directors.
Election of.
Officers.
By-laws, etc.
Provisional directors.
Vacancies.

SEC. XI. *Be it further enacted*, That stock shall be transferable only on the books of the company. The stockholders shall be individually liable for the debts of the company only to the amount of his unpaid subscription. Transfers of stock.
Liability of stockholders.

SEC. XII. *Be it further enacted*, That by consent of municipal authorities of any city or town into or through which said road may run, it shall be lawful for said company to construct such side tracks and switches across and along the streets of said town or city as the interest of said road may demand. Streets.

SEC. XIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Incorporating the DuPont, Decatur, Alabama and Florida Air-Line Railroad Company.

INCORPORATING THE DUPONT, DECATUR, ALABAMA AND
FLORIDA AIR-LINE RAILROAD COMPANY.

No. 386.

An Act to incorporate the DuPont, Decatur, Alabama and Florida Air-Line Railroad Company.

SECTION I. *The General Assembly of the State of Georgia do enact.* That H. B. Plant, H. S. Haines, R. G. Fleming, George S. Haines, Wm. McCabe, John Lake, Augustus DuPont, F. B. Sirmans, P. A. Herviant, L. L. DuPont, J. B. Withers, H. G. Powell, B. J. Sirmans, Thomas Terry, T. G. Jenkins and Carl Humphreys, and such others as shall associate with them under said name, be, and they are hereby declared a body corporate and politic by the name and style of the DuPont, Decatur and Florida Air-Line Company, and by that name may sue and be sued, plead an be impleaded in any Court of law or equity in this State, may make necessary rules and by-laws for its government, may have and use a common seal and the same to alter and destroy at pleasure, may purchase, accept, have, hold, enjoy and convey any property, real, personal or mixed, which may be necessary or proper for the purposes herein mentioned, and may enjoy all the rights and privileges common and necessary to such corporation.

SEC. II. *Be it further enacted by authority of the same.* That the route of said road shall extend from DuPont, Ga., in the county of Clinch, and running south to the Florida line, with the ultimate destination Jacksonville, Florida, and from DuPont, running northwest to the Alabama line to its destination, Decatur, Alabama, with a branch road from DuPont, Ga., to Milltown Ga., in the county of Berrien. That said Company shall have power and authority to survey and lay out, construct, equip and operate a railroad of such gauge as it may elect from a point in the town of DuPont to the places and in the most direct route forming the line as above set forth, that said road may build its line to or near the cities of Rome, Carrollton, LaGrange, Columbus and Americus, or either of these cities, and said road may cross or connect or consolidate with any railroad now built, or hereafter to be built, at such points on its line as may be best, but nothing herein contained, shall be so construed as to allow said Company to make or become a party to any contract, agreement or consolidation, which shall have the effect, or be intended, to have the effect, of defeating or lessening competition or encouraging monopoly. But whenever said railroad shall be built between two points where a railroad is now constructed, the gen-

Corporators.

Corporate name.

General powers.

Route.

Crossing, connection, etc., with other roads.

Competition.

Incorporating the Augusta and White Plains Railroad Company.

eral direction and location of said railroad shall be at least ten miles from the railroad already constructed, but this restriction shall not refer to any point within ten miles of either terminus or of any point of intersection with any other road or to prevent it from running as near to such other road for said first ten miles from either terminus or intersection as the interests of this Company may dictate.

SEC. III. *Be it further enacted*, That unless at least ten miles of said railroad has been graded, ironed and furnished with roll-stock for its operation within five years from the date of the approval of this Act, this charter shall be null and void without a judgment of forfeiture to that effect and any transfer of this charter before ten miles or more of road has been graded, ironed and operated shall be null and void.

SEC. IV. *Be it further enacted*, That the principal office of said company shall be in the town of DuPont.

SEC. V. *Be it further enacted*, That the capital stock of said company shall be three million of dollars and may be increased to six million dollars to be divided into shares of one hundred dollars each, and each share holder shall be liable only to the extent of the capital stock subscribed by said stockholder.

SEC. VI. *Be it further enacted*, That the above named incorporators shall be *ex officio* directors, and a majority of them shall constitute a quorum, and may elect a president and such officers and agents and establish such rules and by-laws as may be best for conducting the business of the company, and shall hold office for one year, or until their successors are duly elected and qualified, and that subsequent board of directors shall be composed of twelve directors, and the board of directors may fill vacancies in the board caused by resignation, death or otherwise.

SEC. VII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

INCORPORATING THE AUGUSTA AND WHITE PLAINS RAILROAD COMPANY.

No. 388.

An Act to incorporate the Augusta and White Plains Railroad Company, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same*, That R. M. Mitchell and U. F. Eve, of Richmond County, Ga., J. H. Kilpat-

Incorporating the Augusta and White Plains Railroad Company.

Corporate
name.
General
powers.

rick, A. H. Smith, A. B. Tappan and R. Tappan, of Greene County, Ga., W. L. Bower and S. L. Patillo, of Hancock County, Ga., and A. R. Cason, of Warren County, Ga., and such other persons as they may associate with them, and their successors and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of the "Augusta and White Plains Railroad Company," and by that name are made capable in law to have, purchase, take by gift, donation or otherwise, and enjoy such real and personal estate, goods and effects as may be necessary and proper to carry into effect the objects and powers herein and hereby granted, and by said name to sue and be sued, plead and be impleaded in any court of competent jurisdiction, to have and use a common seal and the same to alter at pleasure, and to make, ordain and establish such by-laws, rules and regulations as they may deem expedient and necessary to carry into effect the objects of the Company, not inconsistent with the laws and constitution of the State of Georgia and of the United States, and generally to do and perform all such acts, matters and things as may appertain to corporations of like character.

Rights as
carriers.

Route.

Right-of-
way.

SEC. II. *Be it further enacted by the authority aforesaid*, That said corporation shall have full power and authority to transport and carry passengers and freight, including animals, merchandise, personal property, lumber, timber and things of any kind, for reasonable reward, from the town of White Plains, in the county of Greene, to its terminal point on the Augusta, Gibson and Sandersville Railroad, in Glascock county, and from such point to the town of White Plains and anywhere along the line of railroad hereinafter named, and for this purpose it shall have the power and authority to build, construct, operate and maintain a railroad of suitable width and dimensions in the most convenient, proper and practical course from the town of White Plains, in Greene county, to any point on line of Augusta, Gibson and Sandersville Railroad, in Glascock county, the terminal points of the line, as well as the location of the line of the railroad, to be at the option of the corporators or the board of directors of the corporation; said corporation paying the owners of the land through which the road may pass and who have not donated the same just and adequate compensation for the value of the land covered by the railway, or which may be necessary to the road, the width of the strip of land taken to be such as the directors of the corporation may deem necessary for the purposes of the road, not to exceed two hundred feet in width. In laying its tracks, in procuring the necessary timber, earth and other materials for construction, and for the construction thereon of tool

Incorporating the Augusta and White Plains Railroad Company.

houses, wells, cisterns, pumps, switches, depots, warehouses, culverts and any other necessary works and purposes. Should the owners of the land and the corporation not agree upon the compensation to be paid, the amount of said compensation shall be determined by three sworn appraisers, all of whom shall be disinterested freeholders of the county where the land lies, to be chosen, one by the Company, one by such owner if he shall think proper, and one by the Ordinary of the county in which such property lies; but if such owners shall decline or neglect, after ten days notice, to appoint one appraiser, then two to be appointed by the Ordinary and one by the Company, the award of whom in writing, shall operate as a judgment for the amount against the Company, and shall be enforced by execution from the Court of Ordinary, with the right of appeal to either party dissatisfied with the award, to a trial by jury at the next term thereafter of the Superior Court, as provided for appeals from Justice Courts, and the owner shall have judgment for the amount of the verdict in his favor. In assessing the damages, the appraisers and the jury shall take into consideration the benefit of the road to the land and premises through which it may run, as well as the injury to the same: Provided, that nothing in this act shall be construed to give a right to assess damages for less than the actual value of the land so taken.

SEC. III. *Be it further enacted by the authority aforesaid,* That the capital stock of said company shall be seventy-five thousand dollars, divided into three thousand shares of twenty-five dollars each, but may be increased at any time by its board of directors or by the stockholders of said Company as they may deem expedient or necessary, which amount shall also be divided into shares of twenty-five dollars each.

SEC. IV. *Be it further enacted by the authority aforesaid,* That any three persons named in first Section of this Act on giving ten days' notice in any newspaper published in Greene County, may organize the company: Provided ten thousand dollars are subscribed *bona fide*, and by parties who are responsible, to the capital stock of said company, and after such organization and subscription, the stockholders may elect five directors, who shall hold their office for one year and until their successors are elected, which election shall take place annually, as provided by the by-laws of the company, and said directors shall have power to receive further subscriptions to the capital stock of the company, and to enforce the payment of said subscriptions by suit at law, and if any subscriber after thirty days' notice, calling for any installment, shall fail to pay such installment so called for, the directors shall declare the stock of such stockholder forfeited to the company

Disputed
right-of-
way.Apprais-
ers.Failure to
select.

Award.

Appeal.

Damages

Capital
stock.Organiza-
tion.

Directors.

Failure to
pay for
stock.

Incorporating the Augusta and White Plains Railroad Company.

with any installments then paid, without affecting the right of the company to sue for and recover the amount of any subscriptions or any part thereof duly called for and remaining unpaid.

Borrowing
money,
etc.

SEC. V. *Be it further enacted by the authority aforesaid,* That the said corporation may, through its Board of Directors or otherwise, by a vote of a majority of the stockholders at a regular called meeting of the stockholders, borrow such sums of money as they may deem necessary for any purpose of the company, construction, purchase of property and appliances, and may pledge therefor the property and franchises of the corporation in such way as it may deem proper.

Vote of
stockhol-
ders.

President

SEC. VI. *Be it further enacted by the authority aforesaid,* That each share at all elections for directors and at all stockholders' meetings of the company shall entitle the holder thereof to one vote, which may be exercised either in person or by proxy, by some person appointed and empowered in writing, and that the directors shall elect a president from among themselves who shall hold his office for one year and until his successor is elected, which election shall take place annually as prescribed by the by-laws of the company.

Sale, lease,
etc.

SEC. VII. *Be it further enacted by the authority aforesaid,* That said company shall be authorized through its president and directors to sell, lease or transfer its property, privileges and franchises to any other company, corporation or individuals, upon such terms as may be agreed upon between them, not inconsistent with the laws and constitution of this State.

Called
meetings
of stock-
holders.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That any number of stockholders, representing at least one-half of said stock, by giving twenty days' notice in any newspaper published in Greene county, may call a meeting of the stockholders of said company, to act on business of the company and such action shall be binding upon the company.

SEC. IX. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Incorporating the Albany Street Railroad Company.

INCORPORATING THE ALBANY STREET RAILROAD COMPANY.

No. 398.

An Act to incorporate the Albany Street Railroad Company, and for other purposes connected therewith.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That John A. Davis, Richard Hobbs, F. M. Carter, ^{Corpora-}
H. M. McIntosh, W. T. Jones, and such other persons as they ^{tors.}
may associate with them, and their successors and assigns, be, and they are hereby incorporated and declared a body corporate and politic, by the name and style of the Albany Street Railroad Company, and in and by that name may sue and be sued, plead ^{Corporate}
and be impleaded, contract and be contracted with, purchase, ^{name.}
receive, have, hold, use, possess and enjoy, real and personal ^{General}
property, which they may deem necessary and proper for the use ^{powers.}
of said Railroad Company.

SEC. II. *Be it further enacted*, That the capital stock of said ^{Capital}
company shall be divided into shares of one hundred dollars each, ^{stock.}
and shall not exceed the sum of one hundred thousand dollars.

SEC. III. *Be it further enacted*, That said corporators, or a ^{Stock}
majority of them, shall be authorized to receive subscriptions to ^{subscrip-}
the capital stock of said company, and when twenty thousand ^{tions.}
dollars is subscribed and ten per cent. thereof paid in, the said ^{First}
corporators shall cause a notice to be published for one week in ^{meeting of}
the *Daily News* and *Advertiser* at Albany, for a meeting of said ^{stockhol-}
subscribers to said capital stock, to be held at a place designated ^{ders.}
in said notice, for the purpose of electing three directors from its ^{Directors.}
number of said subscribers to manage and control the business of ^{Directors.}
said company, who shall hold their offices for one year, and said ^{By-laws,}
directors as well as those that may thereafter be elected, shall ^{etc.}
select from their own number a manager, and shall have power ^{By-laws,}
to make and adopt by-laws for the control of the board and ^{etc.}
company, and to employ and appoint such officers and agents and ^{etc.}
servants as may be deemed proper by said Board of Directors.
When the company is thus organized, the powers and duties of ^{etc.}
said corporation shall be determined and terminate.

SEC. IV. *Be it further enacted*, That said company shall have ^{Route.}
the power and authority to survey, lay out, construct and equip, ^{Route.}
use and employ street railroads in the city of Albany, and all ^{Route.}
parts of said city, in the State of Georgia, and to use in the operation of the same either horses or mules, steam or electric ^{Motive}
power, as said company may deem best, and for the interest of ^{powers.}

Incorporating the North Georgia and St. Andrew's Bay Railroad Company.

said company and the wants of the public, for the conveyance of passengers and baggage.

SEC. V. *Be it further enacted*, That this charter shall not go into effect until the municipal authorities of the city of Albany have given consent to the building and operation of said street railroad, and said company shall build its track and operate its road only on those streets which said municipal authorities may designate. Nothing herein shall be construed to give said company any exclusive rights in any streets of the city of Albany. If said company shall not build and operate its road through one of the streets of said city within two years from the date of the passage of this Act, this charter shall become null and of no effect without judgment of forfeiture, and if this charter is sold before at least one mile is built and in operation, it shall become as null and void in the hands of all persons without judgment of forfeiture.

Consent of
municipal
authori-
ties.

Exclusive
right not
granted.

Must con-
struct,
when.

SEC. VI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

INCORPORATING THE NORTH GEORGIA AND ST. ANDREW'S BAY RAILROAD COMPANY.

No. 399.

An Act to incorporate the North Georgia and St. Andrews Bay Railroad Company, and for other purposes.

SECTION I *Be it enacted by the General Assembly of Georgia*, That Seaborn Jones, James F. Dever, George G. Leake and Joseph A. Blance, of the county of Polk, and Dr. John Slaughter, William F. Brown, W. B. Candler and Samson W. Harris, of the county of Carroll, and their associates, and such other persons as may become stockholders in this company be, and they are hereby created a body corporate and politic, under the name and style of the North Georgia and St. Andrews Bay Railroad Company and by that name they may purchase and enjoy such real and personal property as may be necessary to carry the purposes of this Act into effect, or to the full enjoyment of the same, and by that name may sue and be sued, plead and be impleaded, in any court of law or equity in this State; may have and use a common seal, and the same alter or destroy at pleasure.

Corpora-
tors.

Corporate
name.

General
powers.

Route.

SEC II. *Be it further enacted*, That said company shall have power and authority to convey, lay out, construct, use and enjoy a railroad from Rockmart, in the county of Polk, by or near Villa Rica, and by Carrollton, in the county of Carroll, to the Alabama line, in the direction of St. Andrews Bay, on the Gulf of Mexico,

Incorporating the North Georgia and St. Andrew's Bay Railroad Company.

in the State of Florida; *Provided* just and adequate compensation shall first be paid to the land owner before title to the right-of-way shall ves in said corporation. Right-of-way.

SEC. III. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars (\$500,000), and may be increased to one million dollars (\$1,000,000), to be divided into shares of of one hundred dollars (\$100) each, and the books of subscription to said capital stock shall be opened in such places and at such times as the incorporators or the Board of Directors shall direct; *Provided* said charter shall be null and void, unless as much as ten miles of said road is constructed and in operation within five years after the passage of this Act, and, *provided further*, said charter shall not be sold or transferred until as much as ten miles of said road is constructed and in operation. Capital stock.
Books of subscription.
When construction must begin.

SEC. IV. *Be it further enacted*, That when the sum of fifty thousand dollars (\$50,000) shall have been subscribed to the capital stock of said company, it shall be the duty of the corporators, or a majority of them, to call a meeting of the stockholders at such place as may be by them agreed on, of which meeting public notice shall be given in at least one public gazette of this State, not less than twenty days before the time of said meeting, at which meeting the stockholders shall proceed to elect by ballot not less than five nor more than seven directors for said company to manage the affairs of said company. One of said directors shall be by said board elected as president thereof, and no person shall be elected a director of said company unless he shall own in his own right not less than five shares in the capital stock of said company; the said president and directors shall hold their offices for one year and shall prescribe in their by-laws the manner, time and place of holding each subsequent election of directors, and in all cases the stockholders shall have one vote for each share owned by him or her; a majority of the directors shall constitute a quorum for the transaction of business. In the absence of the president the board elect one of their number to occupy his place *pro tempore*. First meeting of stockholders.
Directors.
President.
By-laws, etc.
Vote of stockholders.
Quorum of directors.
President pro tem.

SEC. V. *Be it further enacted*, That said Board of Directors shall have power to receive as donations, any parcels of land as they may deem necessary for the constuction or protection of said railroad, and in all cases where a question of right-of-way arises, and the parties shall be unable to agree, the sheriff of the county in which the land is situated shall summon a jury of twelve jurors, freeholders of said county, who shall assess the damages to be paid by said company for running said road through the land of any citizen, saving to either party the right of appeal to the Superior Court under the laws now in force regulating appeals to that Court. Donations.
Disputed right-of-way.
Jury.
Appeal.

SEC. VI. *Be it further enacted*, That said company shall have

Incorporating the Savannah, Vernon and Rosedew Railroad Company.

Con-
nec-
tion with
other
roads.

Distance
from other
roads.

power to connect said railroad with any other line of road upon such terms as may be agreed on between said company and any other company, and may construct such turnouts and switches as they may deem necessary; *Provided* said road shall not run within ten miles of any other railroad already constructed, but this shall not apply to either terminus of said corporation.

SEC. VII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved, October 22nd, 1887.

INCORPORATING THE SAVANNAH, VERNON AND ROSEDEW
RAILROAD COMPANY.

No. 409.

An Act to incorporate the Savannah, Vernon and Rosedew Railroad Company, and for other purposes in connection therewith.

Corpora-
tors.

Corporate
name.

General
powers.

SECTION I. *The General Assembly of the State of Georgia do enact*, That J. H. Estill and Charles H. Dorsett, for Savannah, Lester Hubbell and W. S. Rockwell, for Vernonberg, and Louis A. Falligant, for Rosedew, and such other individuals as they may hereafter associate with them, and their assigns, shall hereafter be a body corporate under the name and style of the Savannah, Vernon and Rosedew Railroad Company, and by such corporate name shall be capable in law to buy, sell and hold real and personal estate, make contracts, sue and be sued, make by-laws, and do all lawful acts incident to a corporation and necessary and proper for the transaction of the business of said company for which it is incorporated, and to have and use a common seal, and to alter and destroy said seal at pleasure.

Capital
stock.

SEC. II. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, but may be increased to two hundred thousand dollars or any intermediate sum by the board of directors, whenever such increase shall be found necessary for the extension or improvement of the road bed, depots or equipment of said railroad company; and said company may issue mortgage bonds to an amount not exceeding the actual cost of the road bed, and depots and equipment belonging to said corporation.

Mortgage
bonds.

SEC. III. *Be it further enacted*, That the said corporation be, and it is hereby authorized and empowered to make, contract, build and maintain a railroad, for the transportation of produce,

Incorporating the Savannah, Vernon and Rosedew Railroad Company.

merchandise and passengers, of suitable width and dimensions, ^{Route.} by the most convenient and direct route from a point within or adjacent to the limits of the city of Savannah, or from a point of junction with the track of any existing railway, or any other railway which may be hereafter constructed, leading out of, and southwards from Savannah, by way of Vernonberg and along, or near to the right or west bank of the Vernon river, to the town of Rosedew, on the bank of the Little Ogeechee river, the site formerly known as Coffee Bluff; and to further construct such street railroads through any street or streets in Savannah not previously occupied by other companies to its depots, on such terms and conditions as may be consented to by the city council of Savannah; and further, to construct such turn-outs and branches to any point between the main line and the Atlantic Ocean as shall be advantageous to said main line and the im- ^{Right-of-} _{way.} provement of the county; paying to the owners of the lands through which said main line and branches may pass, a just indemnity, to be ascertained as hereinafter provided for when not otherwise agreed upon, for the land covered by the said railway, and for twelve feet on either side thereof, for the procurement of earth, timber etc., and for necessary drainage; and constructing and maintaining for any land-owner whose lands occupy both sides of the track when required by the land-owner, a suitable, proper and safe crossing at such point in the land as such land-owner may select; but no person shall be at liberty to cross said railroad track except at such selected crossings without the express permission of said corporation.

SEC. IV. *Be it further enacted*, That when any person shall feel aggrieved or injured by the said railroad and branches being ^{Disputed} _{rights-of-} carried through his lands, or when the said company cannot agree with any person through whose lands the said railroad or branches thereof shall be constructed, as to the damages sustained, the amount of such damage or injury shall be ascertained and determined by the written award of three sworn appraisers, to be ^{Apprais-} _{ers.} chosen one by the company, one by the land-owner and one by the county commissioners of Chatham county, or a majority of said county commissioners, but if the land-owner shall decline to ^{Failure to} _{appoint.} appoint an appraiser, then by two appraisers appointed by said county commissioners and one by said company, the award ^{Award.} of the appraisers appointed as aforesaid to operate as a judgment for the amount against the company, and be recorded in the Superior Court of Chatham county as of the ensuing term of said court, and be enforced by execution from said court, with the right of appeal to either party, to be tried at the next term there- ^{Appeal.} after by a special jury; and the decision shall vest in the company

Incorporating the Savannah, Vernon and Ro-edew Railroad Company.

the fee-simple of the land in question, and in the other party a judgment for its value thus ascertained, to be enforced by the ordinary process of said county.

Road
crossings.

SEC. V. *Be it further enacted*, That when the said railroad or its branches shall intersect any public road, the company shall be bound to construct and maintain thereafter, a safe and substantial crossing or bridge-way over or across its track on said public road for vehicles etc., to cross thereover.

Motive
power.

SEC. VI. *Be it further enacted*, That the said Company shall be entitled to operate said railroad by steam, electricity, horse power, lever power, or by any other equally safe and sufficiently speedy motive power, now known or hereafter discovered, and shall have the exclusive use of the said railway for their cars or other conveyances. And if said Company shall permit or suffer others to use the same, it shall be entitled and empowered to receive and collect such toll for the use of the same as may be fixed by said Company.

Use of rail-
way by
others.

Penalty
for injury
to property
of.

SEC. VII. *Be it further enacted*, That any person injuring the property of said Company, or who shall throw earth, stones, trees, logs, rubbish, or any other matter or thing whatsoever, upon the said railroad and branches, shall be punished by indictment as for a misdemeanor, and on conviction may be fined and imprisoned at the discretion of the court, and shall also be liable for such damages as may be occasioned thereby, to be recovered by action at the suit of said Company, or any person aggrieved, in any court having jurisdiction.

Organiza-
tion.

SEC. VIII. *Be it further enacted*, That said corporation, as soon as ten thousand dollars shall have been paid in, shall elect a Board of Directors, who shall elect, at their first meeting after such organization, one of their members as President, who shall receive such compensation as the said Board of Directors may determine; the term of office of the President and Directors as aforesaid, and the manner and form of all subsequent selection of Directors, and the number of said Directors, and the number of votes to which stockholders shall be entitled, shall be fixed and established by the by-laws, rules and regulations of said corporation, to be framed by them as provided in the first section of this act.

By-laws.

Assess-
ments on
stock.

Failure to
pay.

SEC. IX. The Board of Directors may call for further installments on each share whenever necessary for the interest of said Company, not to exceed one hundred dollars in all on each share, giving at least sixty days notice in the public gazettes of the city of Savannah, of such call; and any and all stockholders failing to pay any installment, so called for, for thirty days after the time designated by such call, shall forever forfeit his stock in said

Confirming to the Florida Midland and Ga. R. R. Co. Charter Obtained under General R. R. Laws.

Company, and all payments which he may have heretofore made, and the stock so forfeited shall vest in and become the property of said Company, to be disposed of as the Board of Directors thereof shall determine.

SEC. X. *Be it further enacted, etc.*, That certificates of stock shall be issued to the stockholders on the payment of the sum required, at the time of the subscription, which shall be transferred on the books of the Company only and by personal entry of the stockholder or his legal attorney or representative authorized for that purpose. Transfers
of stock.

SEC. XI. *Be it further enacted*, That the said Company shall have full power and authority to carry such railroad or any branch thereof over to and across all or any islands, marshes, rivers, creeks and water courses, that may be in the route thereof, by any suitable bridges or proper means: Provided, that when such railroad or its branches shall cross any navigable streams or water course the same shall not be so constructed as to impede the navigation thereof. Crossing
islands,
marshes,
etc.

Proviso.

SEC. XII. *Be it further enacted*, That this charter shall continue for the term of thirty years, from the date of the passage of this Act. Term of
charter.

SEC. XIII. *Be it further enacted*, That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Approved October 22, 1887.

CONFIRMING TO THE FLORIDA MIDLAND AND GEORGIA R. R.
COMPANY CHARTER OBTAINED UNDER GENERAL RAILROAD
LAWS.

No. 434.

An Act to ratify and confirm a charter obtained by the Florida Midland and Georgia Railroad Company on the 20th day of February, in the year 1884, under "An Act to provide a general law for the incorporation of railroads, and to regulate the same," approved September 27th, 1881, and the Acts amendatory thereof, and to secure to the said, The Florida Midland and Georgia Railroad Company, all the rights, privileges, franchises and immunities contained in and provided for in said Act, and the amendments thereto, and for other purposes.

WHEREAS, The said, The Florida Midland and Georgia Railroad Company, has under said charter obtained as aforesaid, caused to be surveyed a route from the boundary line between the Preamble.

Confirming to the Florida Midland and Ga. R. R. Co. Charter Obtained under General R. R. Laws.

States of Georgia and Florida, at a point near Starling's ferry on the Withleecoochee River, to the city of Valdosta in the county of Lowndes, obtained the right of way over said route, graded the same, and done many other acts under the Act approved September, 27th, 1881, and the amendments to the same: Therefore,

Charter had under general railroad law confirmed.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That the said charter granted to the said, The Florida Midland and Georgia Railroad Company, under the terms and provisions of "An Act to provide a general law for the incorporation of railroads, and to regulate the same," approved September 27th, 1881, and the Acts amendatory thereof be, and the same is hereby, ratified and confirmed, with all the rights and privileges, franchises and immunities provided for and contained in said Act, and the amendments thereto, as completely and as fully as if originally and specifically granted by the General Assembly of the State of Georgia, to the said, The Florida Midland and Georgia Railroad Company.

Acts thereunder legalised.

SEC. II. *Be it further enacted by authority aforesaid,* That the acts and doings of the directors of the said, The Florida Midland and Georgia Railroad Company, in extending the main line of said railroad from the said city of Valdosta in a northerly direction through the counties of Lowndes, Berrien, Coffee, Irwin, Telfair, Dodge and Laurens to the city of Dublin, (via Nashville and Alapaha in Berrien, and Chauncy in Dodge) under the terms and provision of "An Act to provide a general law for the incorporation of railroads and regulate the same," approved September 27th, 1881, and Acts amendatory thereof, are also as fully and completely ratified and confirmed with all the rights, privileges, franchises and immunities contained in said Act and the amendments to the same as if originally and specifically granted and authorized by the General Assembly of the State of Georgia to the said, The Florida Midland and Georgia Railroad Company.

Compensation for private property.

SEC. III. *Be it further enacted by the authority aforesaid,* That nothing in the charter contained shall authorize said company to take or damage any private property of persons in this State, without adequate and just compensation having been first paid.

Charter forfeited, when.

SEC. IV. *Be it further enacted,* That this charter shall become void unless ten miles of said road are graded, ironed and equipped within five years from passage of this Act.

Transfer of charter.

SEC. V. *Be it further enacted,* That no transfer of the rights conferred by this charter can be made before ten miles of said

Incorporating the Metropolitan Street Railway Company, of Macon.

road has been graded and ironed, and any transfer or violation of this section shall render void this charter.

SEC. VI. *Be it further enacted by authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

INCORPORATING THE METROPOLITAN STREET RAILWAY COMPANY, OF MACON.

No. 435.

An Act to incorporate The Metropolitan Street Railway Company of Macon, and to define its rights, powers and duties, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That George B. Turpin, James H. Campbell, S. S. Dunlap and A. O. Bacon, and such other persons as they may associate with them, and their successors and assigns be, and they are hereby, declared a body politic and corporate, by the name and style of the Metropolitan Street Railway Company of Macon, and in and by that name may sue, and be sued, plead and be impleaded, in any court of law and equity in this State, or where their rights may come in question; may have and use a common seal, and the same to alter or destroy at pleasure, and purchase, accept, hold, enjoy or convey any property, real, personal or mixed, that may be necessary for the purposes herein-after set forth, or which they may acquire in the progress of their business.

SEC. II. *Be it further enacted*, That the said company shall have the power and authority to survey, lay out, construct, and equip, use and employ street railroads in the city of Macon, over such streets in said city as may be consented to by the mayor and council of the same, and shall further have power to purchase, receive, hold and improve, use or sell, real estate along the line of said railway to an amount not exceeding the capital stock of said company, and shall further have power to execute and issue mortgage bonds on all of its said property.

SEC. III. *Be it further enacted*, That the persons before named, or any three of them, shall be authorized to receive subscriptions to the capital stock of said company, which shall be one hundred thousand dollars, and which may be increased, from time to time,

Incorporating the Metropolitan Street Railway Company, of Macon.

to five hundred thousand dollars, as the business of the company may require it.

Officers. **SEC. IV.** *Be it further enacted,* That the affairs of the Metropolitan Street Railway Company, of Macon, shall be managed by a President, who shall be a director, and by other directors, not to exceed nine in number, to be elected by the stockholders; each share of stock shall entitle its holder to one vote, and the President and directors shall have power to appoint and employ all such officers, agents and other servants as they shall deem necessary to attend to and transact the business of the company, and to establish all by-laws rules and regulations for the government of the same, and to do all acts therein which may not be inconsistent with the laws of the land.

Vote of stockholders. **SEC. V.** *Be it further enacted,* That the said, the Metropolitan Street Railway Company, of Macon, shall not employ within the limits of the city of Macon any steam, or other motive power than horse power, upon their lines without the consent of the city Council.

By-laws, etc. **SEC. VI.** *Be it further enacted,* That the said, the Metropolitan Street Railway Company, of Macon, may extend any one or more of their lines of road to points in the county of Bibb, over and beyond the corporate limits of said city, should they see proper to do so, and in that event the damages to the owners of the strip or strips of land through which said road may run, when the same cannot be mutually agreed upon, shall be ascertained and settled in the same manner as is prescribed in section 1689 (1) of the Code of 1882; *Provided,* that nothing herein contained shall authorize the taking of private property by condemnation until adequate compensation has first been paid.

Motive power. **SEC. VII.** *Be it further enacted,* That the said, the Metropolitan Street Railway Company, of Macon, may convey upon their lines either passengers or freight as the exigencies of the business and public wants may require.

Extension of lines. **SEC. VIII.** *Be it further enacted by the authority aforesaid,* That this charter shall continue in force for fifty years from the approval of this Act; *Provided,* however, that for the first two years succeeding the approval of this Act the rights, powers and franchises granted herein shall not be used in any portion of the corporate limits of the city of Macon, except in that portion lying east of the Ocmulgee river, but said company shall have the right to connect and operate its line on such terms as may be agreed on, with any street railroad in existence in said city. If, at the end of two years, the said company shall have in operation a portion of its line in the territory aforesaid, it shall be authorized to extend its line into the city on the west side of said river, on any

Disputed rights-of-way.

Proviso.

Rights as carriers.

Term of charter.

Restriction as to routes.

Connection with other roads.

Forfeiture of charter.

 Amending Charter of the City and Suburban Railway of Savannah.

street that may be desired, but shall not build or run its line on the same street parallel with any street railroad then existing for more than one block in said city. Should, said company fail to build and put in operation any portion of its line on the east side of said river within three years, then all the powers, rights and franchises granted by this Act shall cease, determine and be void.

SEC. IX. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

 AMENDING CHARTER OF THE CITY AND SUBURBAN
RAILWAY OF SAVANNAH.

No. 437.

An Act to amend the charter of the City and Suburban Railway of Savannah, Georgia.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met*, That the charter of the City and Suburban Railway, of Savannah, Georgia, be, and the same is hereby, amended so that the number of directors shall be *seven* instead of four. Number of directors.

SEC. II. *Be it further enacted by the authority aforesaid*, That the said, the City and Suburban Railway, of Savannah, Georgia, be, and the same is hereby authorized and empowered to charge on street cars for the carriage of trunks or other large or heavy parcels. May charge for certain freight.

SEC. III. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

Incorporating the Central City Street Railroad Company.

INCORPORATING THE CENTRAL CITY STREET RAILROAD COMPANY.

No. 457.

An Act to incorporate the Central City Railroad Company; to define its powers and duties, and for other duties.

Corporators. SECTION I. *Be it enacted by the General Assembly of Georgia,* That Charles J. Harris, Richard F. Lawton, Hardin T. Johnson, Edward D. Huguenin, Samuel T. Coleman, J. L. Harris, and George T. Harris, and such other persons as they may associate with them, and their successors and assigns, be, and the same are hereby, declared a body politic and corporate, by the name and style of the Central City Street Railroad Company, and in and by that name may sue and be sued, plead and be impleaded, in any court of law, or equity in this State, or where their rights may come in question; may have and use a common seal, and the same alter or destroy at pleasure, and purchase, accept, hold, enjoy or convey any property, real or personal, or mixed, that may be necessary for the purpose hereinafter set forth, or which they may acquire in the progress of their business.

Corporate name.

General powers.

Routes. SEC. II. *Be it further enacted,* That said company shall have power and authority to survey, lay out, construct and equip, use and employ street railroads in the city of Macon, and county of Bibb, in accordance with the consent of the municipal authorities of said city and the Board of County Commissioners of the county of Bibb.

Capital stock. SEC. III. *Be it further enacted,* That the capital stock of said company shall be ten thousand (\$10,000) dollars, which may be increased to any amount, not exceeding one hundred thousand (\$100,000), should the business of the company require it.

Stock subscriptions, etc. Books of subscription for which shall be opened in Macon, and at any other points in the United States which may be deemed advisable. Said stock shall be divided into shares of one hundred (\$100) dollars each, and be issued and transferable in such manner and upon such conditions as the Board of Directors of said company may determine, each share of one hundred (\$100) dollars being entitled to a vote at such times and in such manner as the company shall by its by-laws prescribe.

Vote of stock holders.

Directors, etc. SEC. IV. *Be it further enacted,* That all corporate powers of said company shall be vested in and exercised by a Board of Directors and such officers and agents as said board shall appoint, which said Board of Directors shall consist of five (5) members, who

Incorporating the Central City Street Railroad Company.

shall be stockholders in said company. The first Board of Directors to be elected at such time and in such manner as the said corporation, or a majority of them, may determine, and annually thereafter by the stockholders of said company. Said directors shall hold their office until their successors are elected and qualified, and they may fill any vacancy which may happen in the Board of Directors by death, resignation or otherwise. They may also adopt such by-laws, rules and regulations for the government of said company and management of its affairs and business as they may think proper, not inconsistent with the laws of this State and of the United States. By-laws, etc.

SEC. V. *Be it further enacted*, That the said Central City Street Railroad Company may carry upon their lines either freight or passengers as the exigencies of the business community and public wants may require, and use either electricity, horse or steam power, or any other motive power, as the company may elect. Rights as carriers.
Motive power

SEC. VI. *Be it further enacted*, That the said Central City Street Railroad Company shall have power to borrow money, issue bonds, notes or other evidences of debt, and secure the same by such mortgage or mortgages, or deed or deeds of trust, as it may deem best. Borrowing money, etc.

SEC. VII. *Be it further enacted*, That the powers, rights and franchises herein conferred, shall for the two (2) years next succeeding the approval of this Act, be used and enjoyed only within that portion of the city of Macon and county of Bibb, lying outside the limits of the present belt line of the Macon City and Suburban Street Railroad Company, on the western and southern side of same and west of Fourth street. Said company, however, shall be authorized to connect its line and operate it in connection with any street railway in existence in said city, on such terms as may be agreed on by the companies, if desired. If at the end of two (2) years aforesaid, the said company shall have in operation a portion of its line in the territory aforesaid, it shall be authorized to extend its line into the other portions of the city of Macon, on such street as may be selected, but shall not be allowed to build or run its line on the same street parallel with any other street railroad for more than one block in said city. This charter of said company complying with the provisions hereof, be of force for fifty (50) years, but if said company shall not within two (2) years begin *bona fide* the construction of said road, then this charter shall lapse and become void. Restriction of routes.
Connection with other roads.
Forfeiture of charter, etc.

SEC. VIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

Incorporating the Alabama Midland Railway Company.

INCORPORATING THE ALABAMA MIDLAND RAILWAY COMPANY.

No. 463.

An Act to incorporate The Alabama Midland Railway Company; to confer certain powers and privileges on said company, and for other purposes.

CORPORATIONS. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That J. W. Woolfolk, A. S. C. Tennille, O. C. Wiley, Joel D. Murphree, Jas. K. Murphree, Fox Henderson, Charles Henderson, W. L. Coleman, Sigmund Roman, Daniel Weil and Josiah Morris, and such other persons as may be associated with them, and who shall be stockholders, and their successors and assigns be and are hereby created a body politic and corporate under the name of The Alabama Midland Railway Company, with continuous succession; with power in and by said name to sue and be sued, plead and be impleaded; to have and use a corporate seal and alter the same at pleasure; to contract and be contracted with; to acquire, own, hold and use all such real and personal property requisite to the interests of said company and to the exercise of the powers herein granted, and to dispose of said property at pleasure; and to have such other powers as are usual and incident to such corporations.

ROUTE. SEC. II. *Be it further enacted,* That said corporation shall have power and authority to survey, lay out, construct and equip, and to own, operate and maintain a railroad from some point on the Alabama line in Early county, Georgia, thence through the counties of Early, Miller and Decatur in the State of Georgia, either or all of them, to the city of Bainbridge in Decatur county.

SURVEYS, ETC. SEC. III. *Be it further enacted,* That said corporation is authorized to cause to be made, examinations and surveys between said points and along the proposed line as may be necessary to select the most advantageous route, and for that purpose may enter the land of any person or corporation. It shall have power to acquire by gift or purchase, property of all kinds, real, personal and choses in action, necessary to the proper exercise and enjoyment of the powers herein conferred; to transfer, sell, mortgage and dispose of the same at pleasure; to lay out its line of railroad on a right-of-way not over two hundred feet in width, making compensation therefor in the manner hereinafter prescribed; to construct its railroad across, along and upon any river or other watercourse, street, high-way or canal, or across any other rail-

RIGHTS-OF-WAY.

PROPERTY RIGHTS.

CROSSINGS, ETC., RIVERS, STREETS, RAILROADS, ETC.

Incorporating the Alabama Midland Railway Company.

road which the routes of its railroad shall intersect, join or unite its railroad with any railroad heretofore or hereafter constructed at any point in its route, provided competition is not defeated thereby; or upon the ground of any other railroad company, with the necessary turnouts, sidings and switches, and other conveniences necessary in the construction of the railroad, and by consent or purchase may run over the right-of-way of any other railroad, to its freight or passenger depot, shops, etc., in any city, town or village through which said railroad may run; to take and convey persons and all manner of property over their railroad by the use of steam or animals, or any mechanical power, and to receive compensation therefor and do all things necessary to a railroad business; to erect, maintain and operate convenient buildings, wharves, docks, stations, depots, shops, fixtures and machinery, whether within or without a city, town or village, for the accommodation and use of passenger and freight business; to borrow such sums of money at such rates of interest not contrary to law, and upon such terms as such company or its board of directors may agree upon and may deem necessary and expedient; and may execute trust deeds or mortgages or both on its railroad and other property to secure the same.

Right-of-way over other railroads.

Motive power.

Buildings, etc.

Borrowing money, etc.

SEC. IV. *Be it further enacted*, That the capital stock of said company shall be not less than four hundred thousand dollars, nor over three million dollars, divided into shares of one hundred dollars each; and said company are authorized to commence work whenever seventy-five thousand dollars have been *bona fide* subscribed on the books of the company.

Capital stock.

Beginning work.

SEC. V. *Be it further enacted*, That books for subscription to the capital stock of said company may be opened under the direction of the board of directors at such times and places as to said board may be deemed expedient, and such subscriptions may be made in cash, evidences of debt, or property of any kind, the terms of subscription and the value of subscriptions other than money to be determined by the board of directors or a majority of them. Such subscriptions may be made payable in installments.

Subscriptions for stock.

SEC. VI. *Be it further enacted*, That if any stockholder shall fail to pay according to the terms of his subscription, after the same or any part thereof is due, and within thirty days from the time said stock subscription or any installment thereon is called or demanded by the board of directors, it shall and may be lawful for the president and board of directors, or a majority of them, to sell at public auction and convey to the purchaser or purchasers the share or shares of the defaulting stockholder. Twenty days notice of the time and place of sale must be given,

Failure to pay.

Incorporating the Alabama Midland Railway Company.

and after retaining the sum due under said call, and all expenses incident to the sale, out of the proceeds, they shall pay the surplus to the former owner or his legal representative or assignee, and any of the purchasers of said stock under said sale shall be subject to the same rules and regulations as the original owner, and no sale by the original proprietor of stock, or assignees, shall relieve the original proprietor from his obligation to the company to pay the full amount of his subscription; or if the company, acting through a majority of the board of directors, so elects it, may sue for and recover from such defaulting subscriber the amount due.

Disputed
rights-of-
way.

SEC. VII. *Be it further enacted*, That when said company and any person through or on whose land it is desired said railroad shall be located and constructed and depot buildings, shops, stations, docks, wharves and other appurtenances are desired to be located, cannot agree on the amount to be paid by the company for the right of way or title to the land desired, then it shall and may be lawful for said company to construct its railroad across such lands, and use such lands for the purpose aforesaid upon paying to the owner thereof or to his or her or their authorized representative just and reasonable compensation for such lands so needed, and when such compensation cannot be agreed on, it shall be fixed and determined in the following manner: The company shall choose one person, a citizen of this State, as its assessor; the land owner, whether a person or corporation, owning the land sought to be used as aforesaid, may choose another citizen as an assessor. If such land owner shall fail or refuse to choose an assessor, or shall be a minor, idiot, lunatic, or other person laboring under a disqualification of law, without a legal representative, it shall be the duty of the Ordinary of the county in which it is located such land or right-of-way, to make selection of assessor for the owner; *Provided* that the company shall give notice to the Ordinary that the owner fails or refuses to make a selection of an assessor, or that he or she is a minor, idiot, lunatic or is otherwise disqualified in law from making such selection. The two assessors thus selected shall make selection of a third assessor; the three thus selected shall be sworn before an officer authorized to administer an oath, to do justice between the parties, and after hearing all competent evidence offered by either party touching the benefits as well as the damages that will result to the owner from the location of the railroad on such land or right-of-way or on such track or from the condemnation of the land sought to be obtained by the railroad company; the said assessors or a majority of them shall assess the damages to be paid by said railroad company, or the value of the property sought to be condemned, as the

Incorporating the Alabama Midland Railway Company.

case may be. Their award shall be in writing, shall specify the amount to be paid and designate the right-of-way or property so condemned, and when made, shall be filed in the office of the clerk of the Superior Court of the county in which the land lies. The clerk shall record the award in his office, and it shall, if not appealed from, have the force and effect of a judgment of the Superior Court. Either party, dissatisfied with the owner, shall have the right to appeal to the Superior Court, by giving written notice to the other party within ten days after said award has been filed, and entering an appeal in writing. In case the owner of the land is under disabilities as mentioned in this section, and without legal representative, the Ordinary may give notice for such disabled person, and in same manner service may be given in a similar case to the Ordinary where the company may enter an appeal; and issue shall be made on the appeal and tried in the Superior Court as common law cases are tried, with right of either party to except and carry same to the Supreme Court. If the appeal is entered by the railway company, it shall give bond with security for the payment of the amount adjudged on the final hearing; but the land so condemned, or sought to be condemned, shall not be used or occupied by the railroad company until just and reasonable compensation is paid to the owner thereof. Should no appeal be entered within ten days and the company fail or refuse to pay the amount of the award, then the Clerk shall, on the application of the owner, or Ordinary where he is authorized to act, issue execution on such award, and proceedings shall be had thereon as in cases of judgment and executions in Superior Courts. All sums collected by the Ordinary for persons unrepresented and laboring under disabilities as aforesaid, shall be held by him for the use of such persons, and he shall cause proper legal representatives of such person to be made, and the amount recovered shall be held and treated as a part of the estate of such disabled person, and in all cases the right-of-way, or title to the property condemned, shall remain in said company, according to the terms of the award, upon payment thereof.

SEC. VIII. *Be it further enacted*, That the principal office of said company in the State of Georgia shall be in the city of Bainbridge, but may be changed by a majority of the board of directors by giving sixty days notice in a newspaper published at Bainbridge, or in the manner hereafter provided. Principal office.

SEC. IX. *Be it further enacted*, That said corporation shall have power to make and issue bonds to such an amount, in such denominations and for such rate of interest, not exceeding seven per centum per annum, payable at such times and places as they may determine, and secure the same by mortgages or deeds of Bonds, etc.

Incorporating the Alabama Midland Railway Company.

trust on any or all of its rights, property or franchises. It may issue preferred stock, giving preferences in the payment of dividends.

SEC. X. *Be it further enacted,* That the affairs of said company shall be managed by a board of nine directors, to be elected annually by the stockholders. The first election shall be held in the year 1888, at such time and place as may be prescribed by the board of directors hereinafter named. At meetings of stockholders, each stockholder shall be entitled to one vote for each share owned by him or her. All proxies shall be in writing. Until the first meeting of stockholders in the year 1888, and until their successors are elected, the following shall constitute the board of directors of said company, to-wit: O. C. Wiley, A. St. C. Tennille, C. I. Knox, L. Henderson, John R. Kelly, John W. Dowling, E. T. C. Dickinson, Josiah Morris and W. T. Joseph. The board of directors shall have authority to fill all vacancies in their body occurring between annual elections.

SEC. XI. *Be it further enacted,* That the present and all future boards of directors, shall elect from their number a president of said corporation, and elect and appoint such other officers, agents and employes of the company as to them may seem advisable, and to fix the salaries of the same. The said board shall have power to establish, alter and amend the by-laws, rules and regulations for the government of said corporation and the management of its business, declare dividends and adopt a corporate seal; to manage all the business of the corporation; to make contracts; borrow money, give notes and evidences of debt, issue bonds, execute trust deeds or mortgages to secure the fulfillment of the contracts, obligations and liabilities of the company. The stockholders may by a majority vote, at a regular meeting, restrict or enlarge said powers, but until such regular meeting in 1888, the powers named, enure from the passage of this Act to the board named, and may be exercised by them, and thereafter by their successors, unless restricted by such stockholders' meeting. A majority of the stockholders may at a regular meeting increase the number of directors to a number not exceeding thirteen.

SEC. XII. *Be it further enacted,* That the stock of said company shall be transferable only on the books of the company under rules to be prescribed by the by-laws, but no share is transferable until one hundred dollars has been paid thereon to the company.

SEC. XIII. *Be it further enacted,* That said company is hereby authorized and empowered to merge and consolidate its capital stock, real estate and personalty, franchises, rights, privileges and property, with any other railroad company or companies, chartered by and organized under the laws of this or any other State or States, whenever two or more companies so merged and consoli-

Incorporating the Alabama Midland Railway Company.

dated shall form a continuous line with each other or by means of any intervening road or roads, and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine, and the directors of said consolidated company shall have the same powers as the directors of this company, with power to borrow money and issue bonds, mortgages and trust deed over the entire consolidated line or any part thereof, *provided* such merger does not defeat or lessen competition, and *provided* that no such merger or consolidation shall have the effect of making said corporation or the consolidated corporation a foreign corporation, but the same shall always remain a Georgia corporation, and subject to the jurisdiction and laws thereof.

SEC. XIV. *Be it further enacted*, That the directors herein named and their successors in office shall have power to consolidate its capital stock, property, rights, franchises and privileges with the company of the same name now or hereafter to be chartered by virtue of the laws of Alabama or Florida, and may borrow money, issue bonds, mortgages or trust deeds, either or all, on the entire line in Georgia, Alabama and Florida, or any part thereof.

Consolidation with similar corporations.

SEC. XV. *Be it further enacted*, That the stockholders in said railway company shall be bound in their private capacity to any creditor of the company for the amount of stock subscribed for by him or her, until such subscription is fully paid up, or until such stockholder shall have paid out of his private property, debts of said company equal to his unpaid subscription, and not otherwise.

Liability of stockholders.

SEC. XVI. *Be it further enacted*, That said company are empowered to establish, maintain and operate a steamboat or line of steamboats to navigate the Chattahoochee, Flint and Apalachicola rivers for the purpose of carrying freights and passengers for benefit of, and in connection with this said railroad.

Steamboat line.

SEC. XVII. *Be it further enacted*, That if the said railroad company shall fail to grade, iron and equip with rolling stock ten miles of road within five years from the approval of this charter, or assign or transfer this charter before this is done, then this charter to be null and void, without a judgment of forfeiture as a penalty for non-compliance with the provisions of this section.

Forfeiture of charter.

SEC. XVIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, Approved October 24th, 1887.

Incorporating the New Life Water Power and Granite Railway Company.

INCORPORATING THE NEW LIFE WATER POWER AND
GRANITE RAILWAY COMPANY.

No. 464.

An Act to incorporate The New Life Water Power and Granite
Railway Company, and to define its rights, powers and privileges,
and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State Georgia,* That M. D. Irwin, J. R. Irwin, J. R. Maddox, G. W. Weaver, J. C. Barton, J. O. Tilley, J. A. B. Stewart, T. D. Stewart, Jno. H. Almand, D. M. Almand, J. M. White, C. T. Zachry, C. H. Ashford, Samuel Broadnax, E. B. Rosser, B. S. Walker, John D. Malsly, George C. Selman, Calvin G. Nowell, A. W. Clay, W. L. Peek, H. Y. McCord, R. B. Russell and their associates, successors and assigns be, and are hereby incorporated under the name and style of the "New Life Water Power and Granite Railway Company," and by that name they shall have continuous succession as a corporation.

SEC. II. *Be it further enacted,* That the books of subscription to the capital stock of said corporation shall be opened under the direction of said persons named in the first section of this Act, or a majority of them acting in person or by proxy, in such place and on such day or days as said persons, or a majority of them, may deem expedient, and subscription to said capital stock may be received by any one of said persons, and all subscriptions to such capital stocks, shall be paid in cash or that which such persons deem its equivalent, in installments as called for by the board of directors.

SEC. III. *Be it further enacted,* That the capital stock of said corporation shall be five hundred thousand dollars, with a privilege by a majority of its stockholders of increasing the same from time to time, for the purpose of building said road or both, or of paying its debts, to any sum not exceeding three million dollars; said capital stock shall be divided into shares of one hundred dollars each.

SEC. IV. *Be it further enacted,* That said corporation shall be entitled to commence operations and exercise all the rights, powers, privileges, functions and franchises granted by this charter as soon as the sum of ten thousand dollars has been *bona fide* subscribed on the books of said corporation.

SEC. V. *Be it further enacted,* That in all meetings of said corporation, each share of stock shall entitle the holder to one vote to be given in person or by proxy, and said shares shall be considered as personal property and shall be transferable on the books of said corporation in such manner as may be provided for in the by-laws.

Incorporating the New Life Water Power and Granite Railway Company.

SEC. VI. *Be it further enacted*, That the affairs of said corporation shall be managed by the persons named in the first section of this Act until permanent directors are elected, as hereinafter provided, and in case of the death or refusal to act of one or more of said persons as director or directors, the remaining persons shall have the power to elect other persons as directors for the time being to act in their stead. Provisional directors.

SEC. VII. *Be it further enacted*, That the provisional Board of Directors authorized to act by the preceding section of this Act shall, so soon after the passage of this Act as may be deemed expedient by them, call a meeting of the stockholders of said corporation to be held at some place upon the proposed line of said road, which meeting when assembled, shall proceed to elect a permanent Board of Directors, a majority of the stock voting being necessary to a choice. First meeting of stockholders.

SEC. VIII. *Be it further enacted*, That the affairs of said corporation shall be managed by a Board of Directors to consist, "unless enlarged as hereinafter provided," of seven persons. A majority of said directors shall constitute a quorum for the transaction of business, and they shall be elected annually by the stockholders on such day and time and on such public notice as may be fixed by the by-laws: *Provided*, that at least thirty days' notice of all meetings of the stockholders shall be given in some paper fixed by the by-laws. The Board of Directors shall elect one of their number president, who shall have such power and authority, and perform such duties as may be provided by the by-laws. Said directors shall continue in office until their successors are elected and installed in office. The Board of Directors shall have power and authority to establish, alter and amend by-laws, rules and regulations for the government of said corporation and the management of its business, and to appoint a secretary and treasurer and such other officers necessary for its business. They shall have authority, under such restrictions as may be provided by a majority of the stockholders, to manage and conduct all the business of the corporation of every kind, to make contracts, to borrow money, to give notes or other evidence of debt; to issue bonds at any time and to execute, if deemed expedient, any deed or deeds, mortgage, or deed or deeds of trust, or security for the fulfillment by said corporation of its contracts, obligations or liabilities of any and every kind. They shall have authority to fill all vacancies that may occur in the Board of Directors or in the officers of said corporation. The stockholders shall have authority to enlarge the number of members of the Board of Directors from time to time, so that the same may consist of not exceeding thirteen members. Permanent directors.
President.
By-laws, etc.
Bonds, etc.
Vacancies.
Increase of directors.

Incorporating the New Life Water Power and Granite Railway Company.

Failure to pay for stock. SEC. IX. *Be it further enacted,* That if any stockholder shall fail to pay according to the terms of his subscription the sum required of him by the president and directors, or a majority of them, within one month after the same shall have been advertised, it shall, and may be lawful for the said president and directors, or a majority of them, to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in manner aforesaid, and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner, or his legal representative, and if the said sale should not produce the sum required to be advanced, with the incidental charges attending the sale, then the said president and directors may recover the balance of the original proprietor, or his assignee, or the executor or administrator of either of them; any purchaser of stock under the sale by the president and directors shall be subject to the same rules and regulations as the original proprietor.

Principal office. Branch offices. SEC. X. *Be it further enacted,* That the principal office of said corporation shall be in Conyers, Ga., but said corporation shall have power and authority to establish branch offices for the transfer of stocks or the transaction of its business in such other places as the directors may deem best for its interest, and all notices and legal processes may be served on said corporation as now provided, or may hereafter be provided by law, for service on corporations.

Service of process. SEC. XI. *Be it further enacted,* That said corporation shall have authority to construct, purchase, own, operate and maintain a main line of railroad from Conyers to Athens, *via* Walnut Grove, Monroe, High Shoals, Watkinsville, or so near these points as the company deems best, and from Conyers to McDonough, in Henry county, and also from a point at or near South river to Panola and to Island Shoals, and said corporation shall have all the powers, facilities, franchises and rights necessary or proper to successfully accomplish and maintain the objects of its incorporation. It may purchase, condemn and acquire such rights-of-way, not exceeding one hundred feet in width, and terminal facilities and real estate along said line as may be necessary or proper, either for its immediate use, or to and in accomplishing its construction, and shall have power to issue stock, borrow money, issue bonds and secure the same by mortgages or deeds of trust as hereinbefore provided for.

Right-of-way, etc. SEC. XII. *Be it further enacted,* That said corporation is vested with all and singular the rights, powers and authority which are necessary or proper to enable it to locate, construct, use and enjoy and maintain its railroad between the points before men-

Route.

Crossing and running on other railroads.

Incorporating the New Life Water Power and Granite Railway Company.

tioned, and said corporation may also cross at a grade level, any other railroad or railroads in this State, and may run over any part of the right-of-way of any other railroad or railroads where it is necessary or proper to reach its freight or passenger depot in any city or town through or near which its said railroad may run: *Provided*, that said corporation acquires the right to run over such right-of-way or track of any such road by contract, lease, purchase, condemnation or otherwise, and in the event such corporation does not acquire such right to run over the track or right-of-way of any other railroad or railroads, by contract, lease, purchase or other arrangement, then, and in that case, said corporation may acquire such right by condemnation, as provided in this Act for the condemnation of rights of way, and said corporation shall have authority to connect its tracks with the tracks of other railroads in such cities or towns, and to lay out such side tracks, switches and other means as are necessary to connect with such roads and to reach the depots aforesaid: *Provided*, that the right to run over the track of any other railroad company, as herein provided for, shall apply only to the track other than the main track of such other railroad company, and shall not include more than two miles of the same.

Conne-
tion with
other
roads, etc.

SEC. XIII. *Be it further enacted*, That in the event that said corporation does not procure from the owner or owners thereof by contract, lease or purchase, the titles to the land or rights-of-way necessary or proper for the construction or connection of it said railroad and its branches or extensions, as necessary or proper for it to reach the freight or passenger depot in any city or town in this State, as provided in this charter, it shall be lawful for said corporation to construct its railroad over any lands belonging to other persons, or over such rights-of-way or tracks of other railroads as aforesaid, upon paying or tendering to the owner thereof, or his, or her, or its legally authorized representative, just and reasonable compensation, for the right-of-way, which compensation when not otherwise agreed upon, shall be assessed and determined in the following manner, to-wit: When the parties cannot or do not agree upon the damage done such other railroad company for the use of its right-of-way or track as aforesaid, or to the owner or owners of the land which the corporation seeks to appropriate as a right-of-way or for its purposes, the corporation shall choose one of the citizens of this State as its assessor, and the person or persons or railroad company owning the land sought to be taken or the right-of-way or tracks sought to be used, shall choose another as his, her, its or their assessor, and in case the persons owning such land, or a majority of them, if more than one person owns the land sought to be condemned, or said railroad company owning such right-of-way or tracks

Disputed
right-of-
way.

sought to be used, should fail or refuse to make such choice, or select some one to represent his, her, its or their interest, or should be an insane person, lunatic, idiot or minor or under disability from any other cause whatever, and have no legal representatives, then it shall be the duty of the Ordinary of the county in which such property or right-of-way, or use of track so sought to be condemned is situated, to make such selection for such owner or owners or railroad company so failing or refusing or unable to make the same as aforesaid; *Provided*, that said corporation gives notice to said Ordinary that such owner or owners or railroad company refuses or fails to act as aforesaid, or is an insane person, lunatic, idiot or minor or under disability from any other cause whatsoever, and has no legal representative, and the two assessors thus selected shall choose a third assessor; if the two assessors shall fail for five days to agree upon a third assessor, the Judge of the Superior Court of the circuit shall appoint the third assessor, and the three assessors thus selected shall be sworn to do justice between the parties, and after hearing such evidence as may be offered, both as to the benefits and as to the damage done to the owner or owners of such right-of-way and the right to use the same and of such track sought to be used or of such land sought to be condemned, as the case may be, they, or a majority of them, shall assess the damages and value of the property so sought to be condemned, and shall say in writing what sum said corporation shall pay for the right-of-way, right to use such track or land so sought to be condemned by it, and they shall file their said award within ten days after it is made in the office of the Clerk of the Superior Court of the county where said land or right-of-way or track sought to be used and condemned is located, and the said Clerk shall record the same, and it shall have all the force and effect of a judgment or decree rendered by the Superior Court of said county, and in case either party is dissatisfied with said award, the party so dissatisfied, and in case he or she or they be under disability, and have no legal representative, the Ordinary aforesaid, as the representative or such party, shall have the right by giving written notice to the other party within ten days from the time said award is filed as aforesaid, in said Clerk's office, to enter an appeal in writing from said award to the Superior Court of the county where such award is filed, at the term then in session, if the court is in session, or if the court is not in session, then at the next term of said court, unless continued for legal cause, it shall be the duty of the Judge presiding in said court to set said case specially for trial before it is reached on docket, and to cause an issue to be made up as to the damage or valuation of said land, right-of-way or right to use

Incorporating the New Life Water Power and Granite Railway Company.

such track, as the case may be, and the same to be tried, with all the rights for hearing and trying said cause in the Superior Court and in the Superior Court as provided for cases at common law. No property shall be taken and damaged without just and reasonable compensation being paid first. Should no appeal be entered from said award within said time, and should said corporation fail to pay the same, it shall be the duty of the Clerk of the Superior Court, upon the request of any person interested, to issue execution upon such award, as in other cases of judgments of the Superior Court, and said execution may be levied upon any of the property of such corporation, as in case of other executions, and if such land owner or land owners be an insane person, lunatic, idiot or minor, or under disability from any other cause, and have no legal representative, then, and in that event, said sum so awarded, or found due by the said corporation for the land so taken, shall be paid to the Ordinary, and he shall cause the same to be invested for the use of such owner or owners, and to this end he shall appoint such guardians or other legal representative to take, hold, manage and control such fund as is usual; *Provided*, that the amount of damages assessed and allowed shall in no case be less than the actual value of the property so condemned and taken.

SEC. XIV. *Be it further enacted*, That said company is here by authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property, with any other railroad company or companies chartered by and organized under the laws of this or any other State or States, whenever the two or more railroad companies so to be merged and consolidated, shall and may form a continuous line of railroad with each other, or by means of any intervening road or roads, and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine, and the number of directors of the said consolidated corporation shall consist of not less than six nor more than thirteen persons, as the stockholders may determine, which said directors, or a majority of them, shall elect a president and shall appoint such officers and agents as may be deemed necessary; shall establish a common seal and do such other acts as may be necessary for the conduct of the corporation so formed, and the said directors, or a majority of them, may establish the principal office of said consolidated company at such place as they may deem best: *Provided*, that the said consolidated company maintain in this State an office or officers, and agent or agents upon whom process may be served: *Provided*, that every

Merged,
etc., with
other
roads.

Incorporating the New Life Water Power and Granite Railway Company.

such case said consolidated company shall be held and taken for all purposes a Georgia corporation.

Right of
other cor-
porations
to take
stock, etc.

To guaran-
tee and en-
dorse for
this com-
pany.
Purchases,
etc., by
other com-
panies.

Purchase,
etc., of
other com-
panies.

SEC. XV. *Be it further enacted*, That it shall and may be law-ful for any railroad or transportation company created by the laws of this or any other State, from time to time, to subscribe to or purchase and to hold the stock and bonds, either of this com-pany or of any company formed under section fourteen (14), or to guarantee or endorse such bonds or stock, or either of them, and it shall and may be lawful for any railroad or transportation company or companies created by the laws of this or any other State to purchase, use or lease the road, property and franchises of this company, or of the company formed under Section XIV., for such time and upon such terms as may be agreed upon be-tween this company and such company or companies as shall be parties to the contract; that it shall be lawful for this company, or the company formed under Section XIV., to subscribe to or purchase and to hold the stock or bonds, or both, of any other railroad or transportation company, chartered by this or any other State, or to guarantee the bonds or stock of any such com-pany, or to purchase, lease or use or operate the road or line, property or franchises, or any such railroad or transportation company; *Provided*, the road or line of such company shall di-rectly, or by means of one or more intervening roads or lines, be connected with the road of this company; *Provided*, that said company shall not purchase, use or lease the road, property and franchises of any competing line or any connecting road that is owned or operated by any competing line, except as hereinbefore provided for the construction of its own line and terminal faci-lities, or any interest in shape of stock, bonds or otherwise, of any competing line or any connecting road that is owned or op-erated by any competing line.

SEC. XVI. *Be it further enacted*, That all the rights, powers and privileges granted in this Act shall cease and become void unless said company shall, in good faith, commence to construct and actually operate five miles of said railroad within ten years from the date of approval of this Act.

Forfeit-
ure.

SEC. XVII. *Be it further enacted*, That nothing in this Act shall authorize said company to take, hold or use any private or corporate property till just and adequate compensation has first been paid, and this charter shall become null and void if it is transferred before five miles has actually been built, equipped and in running order. Said road shall not run within ten miles of any other road in its general direction, except within ten miles of any terminal point.

Transfer of
charter.

SEC. XVIII. *Be it further enacted*, That all laws and parts of

Incorporating the Waycross Air-Line Railroad Company.

laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE WAYCROSS AIR-LINE RAILROAD COMPANY.

No. 465.

An Act to incorporate the Waycross Air-Line Railroad Company; to define its rights, powers and privileges, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That George Walter, E. H. Crawley, Herbert Murphy, Warren Lott and J. L. Sweat, and their associates, successors and assigns, be, and they are hereby incorporated and made a body corporate and politic under the name and style of "The Waycross Air-Line Railroad Company," and by that name and style shall have continuous succession, and shall be able and capable to contract and be contracted with; to sue and be sued; to plead and be impleaded, and may have and use a common seal, and the same at will may alter; may make, change and repeal by-laws, and shall have all the powers, facilities, franchises and rights necessary or proper to successfully accomplish and maintain the objects of the incorporation; it may purchase, condemn and acquire such rights-of-way as may be necessary or proper as hereinafter provided, and may acquire by purchase such real estate as it may deem proper, and shall have power to issue scrip for stock, borrow money, issue bonds and secure the same by mortgage or deeds of trust.

SEC. II. *Be it further enacted by the authority aforesaid*, That said corporation shall have power and authority to construct, build, own, equip, operate and maintain a railroad by such route as to said corporation may seem most desirable and practicable, from Waycross, in the county of Ware, to the city of Macon or Hawkinsville, in Pulaski county, or to some point on the East Tennessee, Virginia and Georgia Railroad, in the counties of Appling, Telfair or Dodge, and thence to Dublin, in Laurens county, and from Waycross to the Florida line at some point on the St. Mary's river, with the right of extending the same to the port of St. Mary's, Georgia.

Incorporating the Waycross Air-Line Railroad Company.

Capital stock. SEC. III. *Be it further enacted by the authority aforesaid,* That the capital stock of said company shall or may be one million of dollars, but may be increased or diminished as said company may determine, which shall be divided into shares of one hundred dollars each, and when the sum of fifty thousand dollars has been *bona fide* subscribed to the capital stock of said company, said **Organisa-** tion. company may organize, proceed with its work and commence business.

Vote of stockholders. SEC. IV. *Be it further enacted by the authority aforesaid,* That in all meetings of the stockholders of said company, each share or stock shall entitle the holder to one vote, to be given in person or by proxy, and said shares shall be transferred on the books of said **Transfers of stock.** company in such manner as shall be provided by the by-laws.

Books of subscription. SEC. V. *Be it further enacted by the authority aforesaid,* That the books of subscription to the capital stock of said corporation shall be first opened by the persons named in the first section of this Act, or a majority of them, acting in person or by proxy, in such place or places and on such day or days as said persons, or a majority of them, may deem expedient, and all subscriptions to such capital stock shall be paid in cash, or that which such persons may agree to accept as its equivalent, in such installments as shall be called for by the board of directors.

Payments for stock. SEC. VI. *Be it further enacted by the authority aforesaid,* That in the event of any of the subscribers at any time to the capital stock of said corporation shall fail to pay any installment or installments which may be required by the board of directors on the capital stock subscribed for or held in his, her, its or their name, when the said board of directors shall have power to declare said capital stock and all previous installments paid on it forfeited to said corporation, and said defaulting subscriber or subscribers shall be thenceforth debarred against all rights of recovery from said corporation, for the stock so forfeited; *Provided,* that said board of directors shall, before the said forfeiture, give to said delinquent subscriber or subscribers at least ninety days' published or written notice.

Failure to pay. SEC. VII. *Be it further enacted by the authority aforesaid,* That the affairs of said corporation shall be managed by the persons named in the first section of this Act until permanent directors are elected as hereinafter provided, and in case of the death or the refusal to act of one or more of said persons as director or directors, the remaining persons shall have power to elect other persons as directors for the time being to act in his or their stead.

Provisional directors. SEC. VIII. *Be it further enacted by the authority aforesaid,* That the provisional board of directors authorized by the preceding section of this Act shall, so soon after the passage of this Act **First meeting of stockholders.**

Incorporating the Waycross Air-Line Railroad Company.

as shall seem expedient to them, call a meeting of the subscribers or stockholders of said corporation, to be held in Waycross, which meeting, when held and assembled, shall proceed to elect a permanent board of directors, a majority of the stock voting being necessary to a choice.

SEC. IX. *Be it further enacted by the authority aforesaid*, That the principal office and residence of said company shall be in the town of Waycross, Ware county. Principal office.

SEC. X. *Be it further enacted by the authority aforesaid*, That the affairs of said corporation shall be managed by a board of directors to consist, unless enlarged as herein provided, of seven persons. A majority of said directors shall constitute a quorum for the transaction of business, and they shall be elected annually by the stockholders on such day and time and on such published notice as may be fixed by the by-laws; *Provided*, that at least thirty days' notice of all meetings of the stockholders of said corporation shall be given by one or more publications in some paper published in the town of Waycross. At all elections and meetings of the stockholders, each stockholder shall be entitled to cast, either in person or by proxy, one vote for every share of the capital stock owned or held by him, her, it or them, either in person or as guardian, executor, administrator or trustee. Said board of directors shall elect one of their number president, a majority of votes being necessary to a choice, and such president shall have such power and authority and shall perform such duties as may be provided by the by-laws. Said directors shall continue in office until their successors are elected and installed in office. The board of directors shall have power and authority to establish, alter and amend all such by-laws, rules and regulations, not in conflict with the Constitution and laws of this State or of the United States, as they may deem necessary or advantageous for the government of said corporation or the management of its business, and to appoint all subordinate officers, agents, attorneys and servants of said corporation necessary and proper for the management of its affairs and to remove the same at pleasure. They shall have authority to fill all vacancies in the board of directors or in the offices of said company by death, resignation or otherwise. The board of directors shall have authority to enlarge the number of its members, from time to time, so that the same may consist of not exceeding thirteen members. They shall have power to call in from time to time, as they may deem proper, such installments of the capital stock of said corporation as may remain unpaid from time to time and at any time, and to receive cash, or what they may consider its equivalent, in payment thereof. They shall have authority to manage and conduct all of the business of the corporation

Directors.
Elections.
President.
Terms of office.
Authority of directors.

of any kind: to make contracts, to borrow money, to make notes or other evidences of debt, to issue bonds at any time, and from time to time as in their judgment the exigencies of the company may require, and to execute any deed or deeds of mortgage, or any deed or deeds of trust or security for the fulfillment by said corporation of its contracts, obligations and liabilities of any and every kind. They shall have authority to lease, purchase, build or contract for, and to own, use, hold or enjoy any such steamships, sloops, schooners or sailing vessels of any and every kind, and barges or vehicles for water transportation of any kind they may deem necessary or beneficial for said corporation or its business, or to enable it successfully to compete with any other company or persons, and they may lease, purchase or build, or build or construct for the use of any such, wharves, dock, dock-yards, yards, compresses, warehouses or elevators, as they may deem necessary and proper.

Purchase,
etc. of
other cor-
porations.

Proviso.

SEC. XI. *Be it further enacted by the authority aforesaid.* That said corporation may, through its board of directors, purchase or acquire and own stock in any other corporation, may unite or consolidate with any other company or corporation, may lease or buy any other railroad, or lease or sell its own road, and shall have power to make any and all contracts necessary and proper to carry out the provisions of this contract; *Provided*, that such contracts, purchases, leases or sales do not have, or be not intended to have, the effect of diminishing competition, or does not conflict with the Constitution and laws of this State or of the United States.

Right-of-
way.

SEC. XII. *Be it further enacted by the authority aforesaid,* That said corporation is hereby invested with all and singular the rights, powers and authority which are necessary or proper to enable it to locate, construct, use, enjoy, equip and maintain its said railroad and extensions, and such other extensions and franchises as herein authorized, and said corporation may also cross any other railroad or railroads in this State, and may run across any part of any other railroad or railroads, or near its or their right-of-way necessary or proper to reach its freight depot, or the general, or union, or common passenger depot in any city or town through or near which its said railroad may run; *Provided*, said corporation acquires the right to run over the right-of way of such part of any such railroad as may be necessary or proper as aforesaid, by contract lease or purchase.

Rights as
to proper-
ty.

SEC. XIII. *Be it further enacted by the authority aforesaid,* That said company shall have power to purchase and hold in fee simple, to them and their successors, or to receive as donations any lands, tenements or hereditaments that it may find necessary, and also to purchase and hold any lands contiguous to said railroad that may be necessary in procuring materials for constructing and opening said road, and for the erection of all toll-houses, storehouses and other buildings or accommodations that may be

Incorporating the Weycross Air-Line Railroad Company.

necessary and useful to said railroad and the business thereof; said company shall have power to build its railroad through the cities and towns at the terminus and along its route and to cross the public highways; *Provided*, that the use of the streets and highways by the public in a reasonable and proper manner is not interfered with by such location of said railroad, and in all cases in which any controversy or difficulty may arise between individuals or corporations and said company, as to the right-of-way on land, and all necessary privileges on water courses that may lie on or across the route of said road, it shall and may be lawful for either to apply to the sheriff of the county in which such land or water privileges may be located, who shall summon a jury of five disinterested freeholders, resident of the county where the land in controversy is located, neither of whom shall be related to the land-owner, or any stockholder, or other party pecuniarily interested in said railroad company, to enter upon the land or water privileges sought to be appropriated to the said company, and to take said controversy into consideration, and award in writing the amount of damages, if any, to be paid by said company; written notice of the time of meeting of said freeholders shall be made on the other party at least ten days before such meeting; said jury shall be sworn, in addition to the usual oath, to take into account the prospective value of the land through which said road may run, and to hear evidence touching the same, but in no case shall the damages awarded be less than the actual value of the land or water privileges taken by said railroad company; the oath may be administered by said sheriff, and he shall attend said jury in their investigations; either party to the controversy, if dissatisfied with the award, may appeal to the Superior Court of said county, under the same rules and regulations that apply to appeals in said court in force at the time, and in case where an appeal may be entered by said company, if said company shall deposit with the clerk of the Superior Court of the county where said proceedings are pending, subject to the judgment of said court, the amount of money awarded against them as damages by the said jury, then it shall have the right to proceed with the construction of its railroad without let or hindrance; in cases where any party in interest is a minor or lunatic or idiot, and has no guardian, then notice may be served upon the Ordinary of said county, who shall represent such minor, idiot or lunatic, and shall receive such sums as may be found due and cause the same to be invested, and should the interest of any non-resident of this State be affected by the proceedings provided for in this section, then publication once in the newspaper in which the Sheriff's advertisements in said county are published shall be sufficient notice; *Provided*, such publication is made at least ten days before the meeting of said jury, and upon payment by said company of such damages as may be finally awarded, the fee-simple title to such

Through cities and towns, etc.

Disputed rights-of-way.

Incorporating the Augusta, Thomasville and Gulf Railroad Company.

land or water courses as may be necessary for its purposes shall vest in said company.

Liability
of stock-
holders.

SEC. XIV. *Be it further enacted by the authority aforesaid.* That in case of the failure of said company, the stockholders shall be bound in their private capacity to the creditors of said corporation only to the amount of their unpaid subscription, if any be unpaid, or if said stockholder has paid debts of the company to the amount of his subscription, then he shall not be liable.

Forfeiture
of charter.

SEC. XV. *Be it further enacted by the authority aforesaid,* That all the rights, powers and privileges granted by this Act shall lapse and become void unless such corporators as have power under this Act shall in good faith begin to construct and operate said railroad within five years from the passage of this Act.

Transfer of
charter.

SEC. XVI *Be it further enacted,* That until at least ten miles of said railroad have been constructed and operated, said company shall have no right to sell, transfer or otherwise dispose of this charter or any of the rights, powers or privileges herein granted.

Distance
from other
roads.

SEC. XVII. *Be it further enacted,* That said railroad shall not run paralleled with any other railroad within ten miles, except within ten miles of terminal points of said railroad herein chartered.

SEC. XVIII. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE AUGUSTA, THOMASVILLE AND GULF
RAILROAD COMPANY.

No. 466.

An Act to incorporate the Augusta, Thomasville and Gulf Railroad Company; to operate a line of steamboats, and conduct a banking business.

Corpora-
tors.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That Robert M. Mitchell, of Richmond county; Thomas Warthen, of Washington county; William T. Gary, of Richmond county, and George W. Setson, of New York city, and such other persons as may be associated with them, and who shall be stockholders, and their successors and assigns, be, and they are hereby created a body politic and corporate under the name of the Augusta, Thomasville and Gulf Railroad Company, with powers to sue and be sued, to plead and be impleaded in the courts of law and equity in this State; to have and use a corpor-

Corporate
name.

Incorporating the Augusta, Thomasville and Gulf Railroad Company.

ate seal, with the right to break, alter and change the same at will; to purchase, hold and use all such real and personal property of every kind and description as may be deemed desirable or necessary and as will advance the interest or welfare of said company, together with all and such other powers hereinafter conferred, as also all those powers which are conferred generally on like corporations by the laws of this State, and the principal office of said company shall be at Augusta, in said State.

General powers.

Principal office.

SEC. II. *Be it further enacted by the authority aforesaid,* That said company be, and they are hereby authorized and empowered to survey, lay out, grade and construct, build, equip, maintain, conduct and operate a railroad from the city of Augusta, in the county of Richmond, and State of Georgia, or from any point along the line of the Augusta, Gibson and Sandersville Railroad Company, a corporation duly chartered under the laws of Georgia, through the counties of Richmond, Burke, Jefferson, Washington, Johnson, Emanuel, Laurens, Montgomery, Dodge, Wilcox, Telfair, Irwin, Coffee, Berrien, Worth, Colquitt, Brooks, and Thomas, or any or all of said counties, or any adjoining counties, by the route which by them may be deemed most practicable to Thomasville, in the county of Thomas, and thence to any point on the Florida coast of the Gulf of Mexico, with full authority to connect and consolidate with any railroad now constructed, or that hereafter may be constructed, and which may form a link in any part of said line, and with further power and authority to survey, construct, build and equip, maintain and operate, as a part of said line of railroad, branches, from any points along the line of said road, to any points in either, or any, or all of said counties or other counties in this State, as in their judgment will best subserve their purpose for carrying freight and passengers; *Provided*, that said railroad shall not run in a parallel direction within ten miles of any other railroad already constructed, unless it shall be necessary to reach a terminal point on its line.

Route.

Consolidation with similar roads.

Branches.

Distance from other roads.

SEC. III. *Be it further enacted by the authority aforesaid,* That the said company is empowered to cause such examination and surveys to be made of the proposed line and branches as shall be necessary to select the most advantageous routes, and for that purpose may enter upon the lands of any person, and said corporation may acquire by gift or purchase real estate or other property for the construction, maintenance and accommodation of said railroad, and may hold and use such real estate and other property for stations, wharves, connections with other railroads, terminal facilities and for all other purposes, and shall have authority to lease or buy all lands necessary for its use, and to sell any lands which they may deem advisable; and said corporation is further author-

Surveys, etc.

Acquiring property, etc.

Right of-
way, etc.

ized and impowered to lay out its line of railroad and branches on a right-of-way of not more than two hundred feet in width and for the purposes of cutting and filling and for obtaining gravel and material to take such and so much land as may be necessary for the proper construction and security of said railroad, and to remove trees and other obstructions on the right of way, making compensation therefor in the manner prescribed in this Act; to construct its railroad across, along and upon any water course, street, highway or canal, and along or across any other railroad which the routes of its railroad shall intersect or touch; to cross at grade, intersect, join or unite its railroad with any railroad now or hereafter to be constructed and built at any point in its route, upon the right of way of any other railroad company, making compensation therefor in the manner herein prescribed, and may erect the necessary turn-outs, sidlings, switches and other conveniences necessary in the construction and operating of the railroad, and may run over the right-of way of any other railroad to its freight or passenger depot, shops, etc., in any city, town or village through which said railroad may run; to convey persons and all manner of property over its railroad by the use of steam, or animals, or any mechanical power, and to charge and receive compensation therefor, and to do all things necessary to a general railroad business; to erect and maintain buildings, wharves, stations, fixtures and machinery within or without a city, town or village for the accommodation and use of passengers or for freight business; to borrow such sum or sums of money at such rates of interest, not usurious, and upon such terms as such company, or its board of directors, may agree upon, and may deem necessary and expedient, and to secure the same may execute one or more trust deeds or mortgages, either or both, as occasion may require, of its railroad, franchises, privileges or other property.

Tolls,
buildings,
etc.

Borrowing
money, etc.

Capital
stock.

Beginning
business.

Stock sub-
scriptions.

SEC. IV. *Be it further enacted by the authority aforesaid,* That the capital stock of said company shall be five hundred thousand dollars, with power by a majority vote of the stockholders to increase the same from time to time to an amount not to exceed three millions of dollars, which shall be divided into shares of one hundred dollars each, and said company shall be authorized to commence to construct and build said railroad whenever, in the judgment of the corporators, the amount of two hundred thousand dollars is *bona fide* subscribed to the capital stock of said company.

SEC. V. *Be it further enacted by the authority aforesaid,* That the books of subscription or subscription lists may be opened by the corporators at either terminus, or in any county in which it is proposed said railroad may be located and constructed or elsewhere, and subscriptions to the capital stock of said company may be made in the form of a general contract, or agreement, or in promissory notes, or other form, or may be paid in cash, and

Incorporating the Augusta, Thomasville and Gulf Railroad Company.

when said subscriptions are fully paid, certificates of stock shall be issued on the basis of one share for every hundred dollars paid, but no certificates shall be issued for less than one share. Payments.
Certifi-
cates.

SEC. VI. *Be it further enacted by the authority aforesaid,* That all subscriptions made to the capital stock shall be payable in such installments as may be agreed upon, or in the absence of an agreement, in such installments as may be ordered by the board of directors, and if any stockholder shall neglect or refuse to pay any installment in sixty days after the same may have become due, and notice given as hereinafter provided, such stock, with all payments previously made thereon, in the discretion of the board of directors, shall be forfeited to the company, or the said company shall have a right of action to recover all such installments as may be called and not paid. Failure to
pay.

SEC. VII. *Be it further enacted by the authority aforesaid,* That whenever said company and any person or corporation through or on whose lands or right-of-way said railroad shall be located, or when the company shall select the same to locate depot buildings, shops, stations, or for other necessary purposes, and the parties cannot or do not agree on the amount to be paid by the company for the right-of-way or title to the land desired, it shall and may be lawful for said company to construct its railroad over any land belonging to other persons or corporations, and upon and across the right-of-way and tracks of other railroad companies upon paying or tendering to the owner thereof, or to his, her or their authorized representatives, just and reasonable compensation for the right-of-way required or land needed, which compensation, when not agreed upon, shall be fixed and determined as herein provided; but in any case where the owner of any land shall permit the corporation requiring the right-of-way over the same to enter upon the construction of the railroad without previous compensation, the said owner shall have the right, after the railroad shall have been constructed, to demand compensation, and when the parties do not agree upon the damage done and the amount to be paid by said corporation, and the owner of said land shall become the actor, the same shall be assessed in the manner hereinbefore provided, and the assessors shall be chosen in the same manner, and all other proceedings shall conform as near as may be to those herein prescribed, and the same shall not be cumulative, but in exclusion of all other remedies. Disputed
right-of-
way.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That said railroad company shall have power to make, issue and sue bonds of such denomination or denominations, to bear such rate of interest, not exceeding seven per cent. per annum, payable at Bonds, etc.

Incorporating the Augusta, Thomasville and Gulf Railroad Company.

such times and places and to such an amount as the directors may determine, and to secure the payment of the principal and interest of said bonds by mortgages or deeds of trust, of its railroad, real and personal property, franchises and all other rights of property; also to make and issue preferred stock and give preference in the payment of dividends, as may best subserve the purposes and interest of said company.

Preferred stock.

SEC. IX. *Be it further enacted by the authority aforesaid,* That the business and affairs of said railroad company shall be managed by a board of not exceeding thirteen directors, who shall be elected annually by the stockholders, and shall hold office until their successors are elected and qualified, but until the amount of two hundred thousand dollars is *bona fide* subscribed to the capital stock of said company, and until a board of directors shall be elected and shall qualify, the business and affairs of said corporation shall be managed by said incorporators, or a majority of such of them as shall act, and such other persons as they may associate with them as directors. The first election shall be held whenever the stockholders may determine, and annually thereafter at such time and place as may be prescribed by the by-laws of the company. In all meetings of the stockholders, each stockholder shall be entitled to as many votes as the number of shares owned by him or her. All elections shall be by ballot, unless otherwise provided by the by-laws of said company, and the votes may be cast in person by the stockholders, or by any person duly authorized by a proxy in writing. The board of directors of said company shall have power to fill all vacancies which may occur in the board of directors, and the persons so elected shall hold office until the next regular election and until their successors shall qualify.

Directors.

First election.

Vote of stockholders.

Vacancies.

SEC. X. *Be it further enacted by the authority aforesaid,* That the incorporators may choose one of their number as president to act until a board of directors is elected, and thereafter the board of directors shall elect from their number a president of said railroad company and may elect a secretary and treasurer. The president shall appoint such other officers, agents and employees as he may deem necessary and proper to carry on the business of said company; the president and the board of directors shall have power to control all the business and affairs of said company, call in and demand payments of subscriptions in installments, or as they deem proper, and may forfeit shares of stock subscribed for, and all previous payments made, if all payments shall not have been made as required, but the company shall not be entitled to recover by action for any installment that may be due

President.

Other officers.

Powers of directors.

Incorporating the Augusta, Thomasville and Gulf Railroad Companies.

upon stock which is forfeited for non-payment of installments. The directors shall have power to adopt a corporate seal, to make by-laws and regulations and to declare dividends.

SEC. XI. *Be it further enacted by the authority aforesaid*, That the stock in said company shall only be transferable on the books of the company under regulations to be prescribed in the by-laws, but no shares shall be transferred until the whole amount shall have been paid thereon to the company. Transfers
of stock.

SEC. XII. *Be it further enacted by the authority aforesaid*, That all the powers, privileges and immunities specified under the general law for the incorporation of railroads, together with all the powers, privileges and immunities set forth and contained in the Code of Georgia 1882, Section 1689(a) to 1689(gg) inclusive, are hereby specifically granted to and conferred upon the Augusta, Thomasville and Gulf Railroad Company, except so far as this Act may alter, change or add to the same. General
powers as
railroad
incorpora-
tion.

SEC. XIII. *Be it further enacted by the authority aforesaid*, That said company shall have power and authority to establish, maintain and operate a line of steamboats to navigate the Savannah river for the purpose of carrying freight and passengers for the benefit of said company and in connection with said railroad. May oper-
ate steam-
boats.

SEC. XIV. *Be it further enacted by the authority aforesaid*, That this Act of incorporation shall continue and be of force for the term of fifty years with the privilege of renewal; *Provided*, that this charter shall be null and void in the hands of any third party or corporation, if the same shall be sold or transferred before ten miles of said road shall have been fully graded, equipped and furnished with rolling stock, or the same shall not have been commenced in good faith in five years from the date of the grant of the same. Term of
charter.

Transfer of
charter.

Forfeiture
of charter.

SEC. XV. *Be it further enacted by the authority aforesaid*, That the said corporation shall have power to receive money on deposit; to loan and borrow money; to take and to give therefor such securities as may be considered best; to purchase and discount notes, bills of exchange and other commercial paper; to buy and sell bonds and to exchange bonds of the said company, or to sell the same; to issue bank bills according to the laws of this State, and to do such acts as they may deem best and advisable as a profitable investment of the funds of the banking department of said company; *Provided*, that whenever said railroad company shall exercise the privileges as set forth in this section each stockholder shall be responsible, in his or her individual capacity, to depositors and creditors of the banking department to the full extent of one hundred dollars for each share held by him or her in said company, and all of the shares of said company shall be likewise held liable for any default on the part of said banking department. Banking
powers.

Proviso as
to liability
of stock-
holders.

Amending Charter of the Atlanta and Hawkinsville Railroad Company

SEC. XVI. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING CHARTER OF THE ATLANTA AND HAWKINSVILLE RAILROAD COMPANY.

No. 467.

An Act to amend the charter of the Atlanta and Hawkinsville Railroad Company; to change the name thereof to the Atlanta and Florida Railroad Company; to authorize the extension thereof to the Florida line, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That the name of the railroad corporation chartered heretofore by the act of this Legislature, under the name of the Atlanta and Hawkinsville Railroad Company, be changed, and that the said corporation shall hereafter be known by the name of the Atlanta and Florida Railroad Company.

SEC. II. *Be it further enacted by the authority aforesaid,* That the change of the name provided for in the preceding section shall not impair, modify, or in any way interfere with the rights, powers, privileges and immunities of the said railroad company, nor shall it impair or lessen in the least its liabilities under any obligation or contract entered into in the name of the Atlanta and Hawkinsville Railroad Company, nor in any way interfere in the least with its liabilities of any character whatever, but the same shall remain just as if the name of the corporation had not been changed.

SEC. III. *Be it further enacted by the authority aforesaid,* That said railroad company may construct a line of railway from any point on its main line, in Houston, Dooly or Worth county, to Dupont, in the county of Clinch, and from that place to any point on the State line between Georgia and Florida, and may build through any county or counties intervening between the points above mentioned.

SEC. IV. *Be it further enacted by the authority aforesaid,* That said railway company may construct a line of railway from Thomasville, Georgia, to any point on the State line between Georgia and Florida.

SEC. V. *Be it further enacted by the authority aforesaid,* That

Incorporating the LaGrange Street Railway Company.

said railroad company may construct a line of railway from any point on the line in Colquitt county, Georgia, through Colquitt and Brooks counties, to any point on the Florida State line.

SEC. VI. *Be it further enacted by the authority aforesaid,* That said railroad company shall have, in the construction of said extensions, all the rights, powers, privileges and immunities granted to and conferred upon the Atlanta and Hawkinsville Railroad Company by the Legislature of Georgia, by act approved December 7th, 1886, as fully and completely as if all of said rights, powers, privileges and immunities were herein enumerated.

SEC. VII. *Be it further enacted by the authority aforesaid,* That said Atlanta and Florida Railroad Company be, and it is hereby, authorized to increase its capital stock to an amount not to exceed twelve thousand dollars (\$12,000.00) per mile of its line of railway.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24, 1887.

INCORPORATING THE LAGRANGE STREET RAILWAY COMPANY.

No. 482.

An act to incorporate the LaGrange Street Railway Company, to define its powers, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia.* That F. M. Ridley, J. P. Thornton, F. M. Langley and G. E. Dallis, and such other persons as may be associated with them and their successors and assigns, be, and they are hereby, declared to be a body politic and corporate under the name of the LaGrange Street Railway Company, and by that name may sue and be sued, plead and be impleaded in any court of law and equity in this state or where their rights may come in question; may have and use a common seal and the same alter at pleasure; may purchase, hold, accept, employ and convey any property real or personal that may be necessary for the purposes hereinafter set forth or which they may acquire in the course of business.

SEC. II. *Be it further enacted,* That said Company shall have power and authority to survey, lay out, construct and equip, use and employ street railroads in said city of LaGrange, viz: Beginning at or near the depot of the Atlanta and West Point Railroad Company, in said city, and running west along Depot street until it strikes Main street, and thence north along Main street until it

From point on main line, in Colquitt county, to Florida line. All powers granted to Atlanta and Hawkinsville Railroad Company confirmed.

Increase of capital stock.

Corporators.

Corporate name.

General powers.

Route.

strikes the public square, and thence along the east, north, west and south sides of said public square, and from said public square along Broad street westward to the LaGrange Female College with the right to extend the same to the Ferrell Terraces; also from said public square northward along Church street to the Southern Female College and onward to Hill View Cemetery, and from said public square along Greenville and Hill or Newman streets to the corporate limits, and also from said public square along Hines, Vernow, Franklin and Bull streets to their respective termini; Provided the consent of the Mayor and Council of said city is first obtained by resolution or otherwise.

Consent of
mayor and
council
may be
had.

Exclusive
powers.

SEC. III. *Be it further enacted*, That said company shall have the exclusive power and authority to lay out, construct and equip, use and employ street railroads in said city of LaGrange, Georgia, by horse power or electricity in all of said streets in which they shall first establish and operate a street railroad. That the track of any road or roads which said company may lay in any of the streets of LaGrange, shall be so laid as not to prevent vehicles from crossing and recrossing the same, but other vehicles shall give way to the cars so as to allow them to proceed on their own tracks.

Capital
stock.

SEC. IV. *Be it further enacted*, That the capital stock of said company shall be not less than five thousand dollars subscribed *bona fide*, divided into shares of one hundred dollars each, which capital stock may be increased not to exceed fifty thousand dollars, and said corporators and each of the mare hereby authorized to procure subscriptions of stock for the purpose of organization under this charter, and at least ten per cent. on five thousand dollars of capital stock shall be paid in, at or before organization, and before work shall be commenced.

Organiza-
tion.

Rights as
carriers.

SEC. V. *Be it further enacted*, That said company may carry upon their lines passengers and freight, as the exigencies of the business community and public may seem to require, charging reasonable rates for the same—such rates of charge being subject to revision by legislative authority.

Officers.

SEC. VI. *Be it further enacted*, That the officers of said company shall be a president, secretary and three or more directors, to be chosen at such time and in such manner as the corporators or a majority of them may determine, and the said president and directors shall have full power to appoint a treasurer, if desired, and to make all needful rules and regulations for carrying on the business of said company, and may consolidate offices, etc.

Rules, etc.

SEC. VII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE LONG SHOALS AND ROCKLAND RAILROAD COMPANY.

No. 484.

An Act to incorporate the Long Shoals and Rockland Railroad Company; to confer certain powers and privileges on the same, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That B. N. McKnight, G. W. Stewart, W. M. Stewart, M. J. Brannon, M. J. Ivey, Wm. E. McKnight, G. W. Collins and A. C. McCalla, and such other persons as may hereafter be associated with them, their successors and assigns, are hereby constituted a body corporate and politic under the name and style of the "Long Shoals and Rockland Railroad Company," with all and singular the powers and privileges herein contained. Corporators.
Corporate name.

SEC. II. *Be it further enacted*, That said company shall have power, and they are hereby authorized and empowered to survey, lay out, construct, equip, operate and maintain a railroad from the city of Conyers, in Rockdale county, at or near the line of the Georgia Railroad and Banking Company, to or near the Rockdale Paper Mills, in said county of Rockdale, by such route as said corporators deem for the best interest of the road. Route-

SEC. III. *Be it further enacted*, That the right-of-way of said Railroad company shall not be more than one hundred feet on each side from the center of the track. Right-of-way.

SEC. IV. *Be it further enacted*, That said company shall have the right to enter upon the lands of any other person or corporation, and use the same for the purposes of a right-of-way, and for the erection of depots, stations and other purposes necessary for such corporation, upon paying to the owner or owners just and reasonable compensation. Taking private property.

SEC. V. *Be it further enacted*, That when damages for right-of-way, or the value of land sought to be condemned, cannot be agreed on by and between the company and the land owner, the matter in controversy shall be submitted to arbitration in the manner prescribed by the Code of 1882, but if either party fail or refuse to choose an arbitrator, the Ordinary of the county where the land sought to be condemned is situated, shall upon application of the other party, select an arbitrator for said person or persons; such arbitrators, so chosen, after selecting a third, shall Disputed right-of-way.

Incorporating the Long Shoals and Rockland Railroad Company.

proceed to condemn the land in question, fix its value, and file their award in terms of the law.

Capital stock. SEC. VI. *Be it further enacted,* That the capital stock of said company shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each

Stock subscriptions. SEC. VII. *Be it further enacted,* That the said corporators are empowered to take and receive subscriptions to the capital stock of said company, either in money or property, (the property to be valued by the Board of Directors.) and whenever the sum of ten thousand dollars or over is subscribed to the said capital stock, then the said corporators shall have the right and power to organize and commence operations under this Act, and they, or a majority of them, after due notice of the time and place, call a meeting of the subscribers for the purpose of organizing and electing a Board of Directors, not less than five, or more than nine, as they deem best, to manage and control the business of said company for one year, or until their successors are elected and installed. And said Board of Directors, and all future boards shall select from its own number, a President, and shall have power and authority to make and adopt by-laws, rules and regulations for the board, the company, its officers and employees, and to appoint and employ such officers, agents and other employees as they may think proper and necessary. and until said Board of Directors is elected and installed as aforesaid, the charter members hereof, are empowered to act as a Board of Directors and to elect a President and all other officers, agents and employees that they deem necessary.

First meeting of stock-holders. SEC. VIII. *Be it further enacted,* That said company shall have the exclusive right of transporting persons or property over their railroad by the use of steam, electricity, mechanical, horse or other power, and shall have the authority to fix, establish and receive such compensation as the board of directors may establish for said services, and to do all those things that are incident to railroad business, not inconsistent with the constitution and laws of this State.

Directors. SEC. IX. *Be it further enacted,* That said company may contract loans, borrow money, mortgage its property and franchises, and issue bonds and secure the same by mortgage or deed of trust to any amount, not exceeding the sum of fifty thousand dollars, that said board of directors may deem best for the purpose of aiding in constructing and maintaining said railroad, and they are hereby authorized to pledge all of the property and franchises of said company for the payment of the same.

President. SEC. X. *Be it further enacted,* That the stockholders and subscribers shall only be bound in their private capacity to the cred-

By-laws, etc.
Provisional directors.
Rights as carriers.
Borrowing money, etc.
Liability of stockholders.

Incorporating the Macon City and Suburban Railway Light and Power Company, of Macon, Georgia.

itors of the corporation for the amount of their unpaid subscription.

SEC. XI. *Be it further enacted*, That nothing in this Act shall be so construed as to interfere with the Act incorporating the New Life Water Power and Granite Railway Company, nor shall this charter be transferred until one mile has been built and equipped, and shall be null and void unless said company shall in good faith commence to construct and operate said road within five years from the date of the approval of this Act. Right of certain other corporations preferred. Transfer of charter. Forfeiture of charter.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24, 1887.

INCORPORATING THE MACON CITY AND SUBURBAN RAILWAY LIGHT AND POWER COMPANY OF MACON GEORGIA.

No. 483.

An Act to incorporate the Macon City and Suburban Railway Light and Power Company, of Macon, Georgia, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That F. J. M. Daly, W. A. Huff, S. R. Crump, Henry Home and George W. Gustin, all of the county of Bibb, State of Georgia, and such other persons as are now or may be hereafter associated with them and their successors and assigns, shall be, and they are hereby, constituted a body politic and corporate by the name and style of "the Macon City and Suburban Railway Light and Power Company," and by that name shall be and are hereby made a body corporate with full powers of suing and being sued, having and possessing such rights and powers as are necessary to conduct and carry out the objects and business of said corporation as hereinafter set forth, and such as are legally incident to or attached to the same. Corporators.
Corporate name.
General powers.

SEC. II. *Be it further enacted, etc.*, That said corporation shall have its principal office at Macon, Georgia, for the transaction of its business. Principal office.

SEC. III. *Be it further enacted, etc.*, That said corporation shall have power to build, keep up, and use a railway radiating in any direction from the city of Macon and extending through the streets of said city and the roads, public and private, of Bibb Route.

Incorporating the Macon City and Suburban Railway Light and Power Company, of Macon, Ga.

Motive
power.
May fur-
nish power
to other,
etc.
Right-of-
way.

county, and if necessary, through private lands; which railway may be operated by electricity, steam, animal or any other power and further to furnish light, heat and mechanical power, whether generated by electricity, steam or other motive power, and for that purpose to have the right-of-way through the roads public and private of Macon and Bibb county, for the purpose of laying in, on, over, or under the same, the tracks, wires, pipes or other conduits, suitable for the purposes and objects of said corporation, subject, however, to the restrictions hereinafter set forth.

Capital
stock.

SEC. IV. *Be it further enacted etc.,* That the capital stock of said corporation shall be ten thousand (\$10,000.00) dollars, divided into shares of twenty-five (\$25.00) dollars each, with the power vested in the board of directors of increasing the same to one hundred thousand (100,000.00) dollars, or other less sum, whenever the exigencies of said corporation may demand the same; *Provided*, that said increase be sanctioned by the majority in value of the stockholders of said corporation.

Property
rights.
Borrowing
money, etc.

SEC. V. *Be it further enacted, etc.,* That the said corporation shall have the power to own and control real estate and all other species of property, borrow money, issue bonds and to dispose of any and all of its property and franchises by deed, mortgage, lease, or in such other manner as the board of directors, acting under direction of the majority in value of the stockholders, may determine.

Consent of
municipal
authorities
to right of-
way.

SEC. VI. *Be it further enacted etc.,* That the said corporation shall have the right-of-way through the streets of the city of Macon, and the roads, public and private, of Bibb county, and through private lands; *Provided*, nevertheless, that the said company shall lay its tracks, wires or other conduits, through, over or under the said streets and public roads, under the permission and direction of the mayor and council of the city of Macon and the board of county commissioners of Bibb; and provided further, that should the right-of-way, through private lands be refused that the same may be condemned under the laws and regulations at present in force under the general railroad law of the State; *Provided*, that nothing herein contained shall be construed to allow the use of private property until adequate compensation has first been paid.

Disputed
right-of-
way over
private
lands.

Liability to
creditors.
Of stock-
holders.

SEC. VII. *Be it further enacted, etc.,* That this corporation shall be responsible to its creditors to the extent of its property and that the stockholders shall only be liable to the amount of the stock actually held by them.

Crossing
other
roads.

SEC. VIII. *Be it further enacted, etc.,* That the said corporation shall have the right to cross the track of any other railroad on the same level, over or under, and also to run its wires, pipes, or other

Incorporating the Macon City and Suburban Railway Light and Power Company, of Macon, Ga.

conduits across the wires, pipes or other conduits of any other corporation or person; *Provided*, nevertheless, that the same is done at its own expense and in a safe and workman-like manner; and *Provided*, further, that said company shall pay to the owner of such wires, pipes or other conduit all damages that may result from such crossing.

Crossing wires, pipes, etc., of others.
Provisos.

SEC. IX. *Be it further enacted, etc.*, That the officers of said corporation shall consist of a President, vice-President, Secretary and Treasurer and General manager, and that two or more of said officers may be held by the same person, if the Board of Directors shall deem the same necessary and proper. The Board of Directors shall not consist of more than five persons, all of whom shall be actual stockholders in said corporation.

Officers.

SEC. X. *Be it further enacted.* That the said officers shall be elected for the term of two years, or until their successors are elected, which election shall take place at the annual meeting in January; *Provided*, nevertheless, that the officers and directors elected at the first meeting held after the passage of this Act, shall hold their offices until January, 1890.

Terms of office.
Elections.

SEC. XI. *Be it further enacted, etc.*, That there shall be a regular meeting of the stockholders of said corporation on the first Wednesday in January of each year; *Provided*, nevertheless, that the directors may call a meeting at any time and transact any and all business pertaining to said company; provided a majority in value of the stockholders are present and voting, and, provided further, that all stockholders shall have been notified of said meeting.

Stockholders' meetings.
Called meetings.

SEC. XII. *Be it further enacted etc.*, That the aforementioned parties shall have the right to receive subscriptions to the capital stock and to organize for the carrying on of the business of said corporation immediately after the passage of this Act.

Subscription to stock.
Organization.

SEC. XIII. *Be it further enacted.* That this Act shall be of force from the date of its passage and shall continue in force for the period of fifty years; *Provided, however*, that for the two years next succeeding the approval of this Act the rights, powers and franchises conferred by the same, shall be used and enjoyed only in the territory of the city of Macon and the county of Bibb, lying west of College street and the extension thereof, and the road shall not cross said street coming into the city but may connect and be operated with any street railroad in existence on such terms as may be agreed on by the companies. If at the end of two years, said company shall have built and put in operation a line of railroad within the territory aforesaid, it shall be authorized to cross said street in the city, but shall not be authorized to run on the same street parallel with any other street railroad then in operation, for more than one block. If at the end of two years, said company shall not have built and in operation any part of said railroad, west of College street or the extension

Term of charter.

Limitation as to territory, etc.

Forfeiture of charter.

Incorporating the Blue Ridge Railroad Company.

thereof, then all the rights, powers and franchises granted in this Act shall cease, determine and be void.

SEC. XIV. *Be it further enacted etc.*, That all laws and parts of laws militating against this Act are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE BLUE RIDGE RAILROAD COMPANY.

No. 489.

An Act to incorporate the Blue Ridge Railroad Company, to define its powers and privileges, and for other purposes.

Corpora-
tors.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and is hereby enacted by the authority of the same*, That Pompey Strickland, Harris Martin, J. E. Castleberry, of Dawson county, J. T. Grindle, H. P. Farrow, F. M. Williams, Cader Stansel, of the county of Lumpkin, B. M. Waldroop, C. J. Welborn, J. V. Lance, M. L. Mauney and W. E. Candler, of the county of Union, J. G. Nichols, of the county of Towns, and such other persons as may be associated with them, and who shall be stockholders, and their successors and assigns, be, and they are hereby, created a body politic and corporate, under the name of the Blue Ridge Railroad Company, with power to sue and be sued, to plead and be impleaded, in the courts of law and equity in this State; to have and own a corporate seal, with the right to break, alter and change the same at will; to purchase, hold and own all such real and personal property of every kind and description as may be deemed desirable or necessary and as will advance the interest or welfare of said company, together with all and such other powers hereinafter conferred, as also those powers which are conferred generally on like corporations by the laws of this State; and the principal office of said company shall be at——in said State.

Corporate
name.

General
powers.

Route.

SEC. II. *Be it further enacted by the authority aforesaid*, That said company be, and they are hereby, authorized and empowered to survey, lay out, grade, construct, build, equip, maintain, conduct and operate a Railroad from the city of Atlanta in the county of Fulton, in the State of Georgia, through the said county of Fulton, as well also as through the county of Milton, at or near the town of Alpharetta, thence on a line deemed the most practicable to a point at or near the town of Dawsonville, in the county of Dawson, thence by a line deemed the most practicable to a point at or near the town of Dahlonega, in the county of Lump-

Incorporating the Blue Ridge Railroad Company.

kin, thence through said county to a point known as Troytown Gap, thence by the most practicable route to a point at or near Blairsville, in the county of Union, thence by the most practicable route through said county of Union to the North Carolina line, with full authority to connect or consolidate with any railroad now constructed or that hereafter may be constructed and which may form a link in any part of said line.

Connection, etc., with similar railroad.

SEC. III. *Be it further enacted by the authority aforesaid,* That the said company is empowered to cause such examinations and surveys to be made of the proposed line and branches as shall be necessary to select the most advantageous routes, and for that purpose, may enter upon the lands of any person; and said corporation may acquire by gift or purchase real estate or other property for the construction, maintenance and accommodation of said railroad, and may hold and own such real estate and other property for stations and connections with other railroads, terminal facilities and for all other purposes; and shall have authority to lease or buy all lands necessary for its use, and to sell any lands which they may deem advisable; and said corporation is further authorized and empowered to lay out its line of railroad and branches on a right-of-way, not more than two hundred feet in width; and for the purposes of cutting and filling and for obtaining gravel and material, to take such and so much land as may be necessary for the proper construction and security of said railroad, and to remove trees and other obstructions in the right-of-way, making compensation therefor in the manner prescribed in this act; to construct its railroad across, along and upon any water-course, street, highway or canal, and along or across any other railroad which the routes of railroad shall intersect or touch; to cross at grade, intersect, join or unite its railroad with any railroad now or hereafter to be constructed and built at any point in its route upon the right-of-way of any other railroad company, making compensation therefor in the manner herein prescribed, and may erect the necessary turnouts, sidings, switches and other conveniences necessary in the construction and operating of the railroad, and may run over the right-of-way of any other railroad to its freight or passenger depot, shops, &c., in any city, town or village through which said railroad may run; to convey personal and all manner of property over its railroad, by the use of steam or animals or any mechanical power, and to charge and receive compensation therefor, and to do all things necessary for a general railroad business; to erect and maintain buildings, stations, fixtures and machinery within or without a city, town or village for the accommodation and use of passengers or for freight business; to borrow such

Surveys, etc.

Property rights.

Right-of-way, etc.

Crossing water courses, etc. (other railroads.

Turn-outs, etc.

Running over right-of-way of other roads.

Rights as carriers, etc.

Incorporating the Blue Ridge Railroad Company.

Borrowing money, etc. sum or sums of money at such rates of interest not usurious and upon such terms as such company or its board of directors may agree upon and may deem necessary and expedient, and to secure the same may execute one or more trust deeds or mortgages, either or both, as occasion may require, of its railroad franchises, privileges or other property; *Provided*, that no such consolidation shall ever have the effect of making this corporation a foreign corporation, but it shall forever remain a Georgia corporation and subject to the laws and jurisdiction thereof.

Capital stock. *SEC. IV. Be it further enacted by the authority aforesaid,* That the capital stock of said company shall be five hundred thousand dollars, with power, by a majority vote of the stockholders, to increase the same from time to time to an amount not to exceed one million of dollars, which shall be divided into shares of one hundred dollars each; and said company shall be authorized to commence to construct and build said railroad whenever in the judgment of the corporators the amount of one hundred thousand dollars *bona fide* subscribed to the capital stock of said company; *provided*, that nothing herein contained shall be so construed as to allow the condemnation of the tracks of any other railroad except for crossing the same, nor to allow the condemnation of more than two miles of the right-of-way of any other railroad, and then only for the purpose of reaching its freight or passenger depot in any city, town, or village through or to which said railroad may run.

Beginning work.

Proviso.

Stock subscriptions. *SEC. V. Be it further enacted by the authority aforesaid,* That the books of subscription or subscription list may be opened by corporators at either terminus or in any county in which it is proposed said railroad may be located and constructed or elsewhere; and subscriptions to the capital stock of said company may be made in the form of a general contract, or agreement, or in promissory notes, or other form, or may be paid in cash; and when said subscriptions are fully paid certificates of stock shall be issued on the basis of one share for every one hundred dollars paid, but no certificate shall be issued for less than one-fourth of a share.

Payment.

Failure to pay. *SEC. VI. Be it further enacted by the authority aforesaid,* That all subscriptions made to the capital stock shall be payable in such installments as may be agreed upon, or in the absence of an agreement, in such installments as may be ordered by the board of directors, and if any stockholder shall neglect or refuse to pay any installment in sixty days after the same may have become due and notice given, such stock with all payments previously made thereon, in the discretion of the board of directors, shall be forfeited to the company, or the said company shall have

Incorporating the Blue Ridge Railroad Company.

the right of action to recover all such installments as may be called and not paid.

SEC. VII. *Be it further enacted by the authority aforesaid,* That whenever said company and any person or corporation through or on whose lands or rights-of-way said railroad shall be located, or when the company shall select the same to locate depots, buildings, shops, stations, or for other necessary purposes, and the parties cannot or do not agree on the amount to be paid by the company for the right-of-way or title to the land desired, it shall and may be lawful for said company to construct its railroad over any land belonging to other persons or corporations, and upon and across the right-of-way and tracks of other railroad companies, upon paying to the owner thereof, or to his, her or their authorized representative, just and reasonable compensation for the right-of-way required, or land needed, which compensation, when not agreed upon, shall be fixed and determined as herein provided. Disputed rights of-way.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That said railroad company shall have power to make, issue and sell bonds of such denomination, or denominations, to bear such rate of interest not exceeding seven per cent. per annum, payable at such times and places, and to such an amount as the directors may determine, and to secure the payment of the principal and interest of said bonds by mortgages or deeds of trust of its railroad, real and personal property, franchises and all other rights of property Bonds, etc.

SEC IX. *Be it further enacted by the authority aforesaid,* That the business and affairs of said railroad company shall be managed by a board, of not exceeding thirteen directors, who shall be elected annually by the stockholders and shall hold office until their successors are elected and qualified, but until the amount of one hundred thousand dollars is *bona fide* subscribed to the capital stock of said company, and until a board of directors shall be elected, and shall qualify, the business and affairs of said corporation shall be managed by said corporators, or a majority of such of them as shall act, and such other persons as they may associate with them as directors. The first election shall be held whenever the stockholders may determine, and annually thereafter at such time and place as may be prescribed by the by-laws of the company. In all meetings of the stockholders each stockholder shall be entitled to as many votes, or fractional parts of votes, as the number of shares, or fractional parts thereof, are owned by him or her. All elections shall be by ballot unless otherwise provided by the by-laws of said company, and the votes may be cast in person, by the stockholders, or by any person duly authorized by a proxy in writing. The board of directors Directors.
Provisional directors.
Elections.
Vote of stockholders.

Incorporating the Blue Ridge Railroad Company.

Vacancies. of said company shall have power to fill all vacancies which may occur in the board of directors, and the person so elected shall hold office until the next regular election, and until their successors shall qualify.

President. SEC. X. *Be it further enacted by the authority aforesaid,* That the incorporators may choose one of their number as president to act until a board of directors is elected, and thereafter the board of directors shall elect from their number a president of said railroad company, and may elect a secretary and treasurer.

Other officers. The president shall appoint such other officers, agents and employees as he may deem necessary and proper to carry on the business of said company. The president and board of directors shall have power to control all the business and affairs of said company, call in and demand payments of subscriptions in installments, or as they may deem proper, and may forfeit shares of stock subscribed for and all previous payments made, if all payments shall not have been made as required. But the company shall not be entitled to recover by action for any installment that may be due upon stock which is forfeited for non-payments of installments. The directors shall have power to adopt a corporate seal, to make by-laws and regulations, and to declare dividends.

Powers of the president and directors. SEC. XI. *Be it enacted by the authority aforesaid,* That the stock in said company shall only be transferable on the books of the company, under regulations to be prescribed in the by-laws, but no shares shall be transferred until the whole amount shall be paid thereon to the company.

Transfers of stock. SEC. XII. *Be it further enacted by the authority aforesaid,* That all powers, privileges and immunities specified under the general law for the incorporation of railroads, together with all the powers, privileges and immunities set forth and contained in the code of Georgia of 1882, from section 1689 (a) to 1689 (gg) inclusive, are hereby specifically granted to and conferred upon the Blue Ridge railroad company, except so far as this act may alter, change or add to the same.

Powers granted under general railroad law. SEC. XIII. *Be it further enacted by the authority aforesaid,* That this Act shall continue and be of force for the term of fifty years with privileges of renewal; *Provided,* the charter herein granted shall not be transferable to any third party, or corporation, or company, until ten miles thereof has been fully equipped and put in running order; nor any longer legal and valid as a charter if five years shall expire from the date of this grant before work is *bona fide* commenced on the same; nor if the said line of road shall run in a parallel direction with any other railroad now complete within a distance of ten miles; *Provided,* this inhibition shall not be deemed and held to exist where it is necessary for said railroad to reach a terminal point or city on its line. Nothing in this charter shall be construed to authorize said company to take,

Term of charter. **Transfer of charter.** **Forfeiture of.** **Distance from other roads.**

 Amending Charter of the Georgia Midland and Gulf Railroad Company.

use, own or control any land or property until just and adequate compensation shall have been first paid the owner thereof.

SEC XIV. *Be it further enacted by the authority aforesaid,* That all laws in conflict with this Act be and the same are hereby repealed.

Approved October 24th, 1887.

 AMENDING CHARTER OF THE GEORGIA MIDLAND AND GULF
RAILROAD COMPANY.

No. 493.

An Act to amend an Act entitled "an Act to incorporate the Georgia Midland and Gulf Railroad Company," approved September 29th, 1885; to confer additional powers on said corporation, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of this State, and it is hereby enacted,* That in addition to the powers conferred on the Georgia Midland and Gulf Railroad Company by an Act incorporating said company, being an Act entitled "an Act to incorporate the Georgia Midland and Gulf Railroad Company," approved September 29th, 1885, that the company shall have the right, privilege and power of constructing and operating in the streets of any city, town or village in which said railroad is located, a line of track from its freight depot to any wharf, mill or manufactory, or other railroad track, and operate the same by steam or animal power; *Provided* always, that the municipal authorities of such city, town or village, shall first assent thereto and prescribe the power to be used, and when such assent has been given, the company may propel and carry over such track, loaded and unloaded cars, by such motive power as shall have been prescribed by such municipal authority.

Power to construct lines in streets of towns and cities.

With consent of municipal authorities.

Motive power.

SEC. II. *Be it further enacted by the authority aforesaid,* That all laws in conflict with this Act are repealed.

Approved October 24th, 1887.

Amending Charter of the Thomasville and Augusta Railway Company.

AMENDING CHARTER OF THE THOMASVILLE AND AUGUSTA
RAILWAY COMPANY.

No. 495.

An Act to amend an Act to incorporate the Thomasville and
Augusta Railway Company.

SECTION I. *Be it enacted by the General Assembly of Georgia,*
That the above-recited Act be, and the same is hereby, amended
as follows: Said Thomasville and Augusta Railway Company
shall have the right to purchase or lease any other railroad in this
State or any other State, and shall also have the right, either by
purchase or sale, of consolidating with any other railroad; *Pro-*
vided, that nothing herein contained shall be so construed as to
authorize said company to make or become a party to any con-
tract, sale, lease, purchase or consolidation which shall have the
effect, or be intended to have the effect, of defeating or lessening
competition, or encouraging monopoly; nor shall any consolida-
tion be authorized under this Act which shall have the effect of
rendering said corporation or the consolidated corporation a foreign
corporation, but the same shall always remain a Georgia
corporation and subject to the laws and jurisdiction thereof.

SEC. II. *Be it further enacted, etc.,* That said company shall
have the right to construct its railroad across the right-of-way of
any other railroad; all disputes concerning right-of-way shall
be settled or provided by section twelve of an Act to provide for
the incorporation of railroads, approved September 27th, 1881,
and found on pages 161, 162 and 163 of the Acts of 1880 and
1881.

SEC. III. *Be it further enacted, etc.,* That said company shall
have the power to issue bonds in such amounts as it may desire,
and may mortgage its property to secure the same. The stock-
holders of said company shall be liable for the debts of said
company to the extent of their unpaid stock and no further.

SEC. IV. *Be it further enacted, etc.,* That said company shall
have the right to build and operate a railroad from Sandersville,
in Washington County, or any point on the Central Railroad, to
Augusta, in Richmond county.

SEC. V. *Be it enacted,* That all laws and parts of laws in con-
flict with this Act be, and the same are hereby, repealed.

Approved October 24th, 1887.

INCORPORATING THE LEXINGTON TERMINAL RAILROAD COMPANY.

No. 498.

An Act to incorporate the "Lexington Terminal Railroad Company," and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, W. H. Sims, J. T. M. Hain, O. H. Arnold, Samuel Lumpkin, W. G. Johnson, G. C. Smith, G. H. Lester, T. B. Moss, Geo. W. Smith, Geo. W. Brooks, W. Gottheimer, R. J. Willingham, W. Z. Faust, B. Clidell, W. Stewart, W. T. Young, Edgar Maxwell, W. M. Howard, J. T. Olive, Hamilton McWhorter, J. J. Smith, E. Swan, W. A. Shackelford, A. Haire, J. W. Bacon, E. G. Roane, J. R. Boggs, W. J. Knox, John Knox and J. J. Bacon, and such other persons as are or may be associated with them, and their successors and assigns be, and they are hereby, created a body politic and corporate, by the name and style of "The Lexington Terminal Railroad Company," and in and by that name sue and be sued, plead and be impleaded, answer and be answered unto any court of law or equity in this State or the United States.

Corporators.

Corporate name.

General powers.

SEC. II. *Be it further enacted*, That said company shall be authorized to construct, equip and use a railroad from some convenient and practicable point on the Athens Branch of the Georgia Railroad in or near the town of Crawford, in Oglethorpe county, Georgia, by the most practicable route to and into the town of Lexington, in said county, and thence from the town of Lexington by the most practicable and convenient route to intersect the projected Augusta and Chattanooga Railroad at or near the Glade in said county, and that said company shall be authorized and have the right to build, equip and use said road either from, in, or near, the town of Crawford, to, or into, the town of Lexington as aforesaid, or from Lexington to the intersection of the projected Augusta and Chattanooga Railroad at or near the Glade as aforesaid, or both at their option, and that the construction of either of said lines shall not be construed as an abandonment of the other until the expiration of the limit fixed by this Act.

Route.

SEC. III. *Be it further enacted*, That said company shall have the right to make by-laws and appoint all necessary officers and prosecute their duties, and may accept, purchase, hold and convey any property, either real or personal, necessary for the pur-

By-laws, etc.

Incorporating the Lexington Terminal Railroad Company.

Property rights, Bonds, etc. poses hereinafter mentioned; may make contracts, issue bonds, have and use a common seal, and do all other lawful acts properly incident to and connected with said corporation, and necessary for the control and prosecution of its business: *Provided*, that their by-laws are not repugnant to the constitution and laws of this State and of the United States.

Proviso.

SEC. IV. *Be it further enacted*, That for the organization of said company said persons before named, or a majority of them, shall have power to call a meeting of the corporators herein named, to appoint the times and places at which subscriptions for stock in said company may be taken, and every person or corporation, or body politic subscribing at any such places, or at any time afterwards, under the direction of a majority of said corporators or directors hereinbefore named, shall be stockholders in said company and shall pay in the stock so subscribed for at such times and in such amounts as the by-laws and regulations may require. "The capital stock of said company shall be fifty thousand (\$50,000) dollars, to be divided into shares of fifty (\$50) dollars each; but said company may operate and do business when five thousand (\$5,000) dollars of said capital stock has been subscribed for. But said capital stock may be increased at any time after organization to an amount not exceeding five hundred thousand (\$500,000) dollars by a vote of a majority of the stockholders in value, and by re-opening the subscription books of the company and receiving *bona fide* subscriptions to the stock."

Stock subscriptions.

Payments on.

Capital stock.

SEC. V. *Be it further enacted*, That the officers of said company shall serve for the space of twelve (12) months from their election, or until their successors are elected, and may prescribe in their by-laws the time and manner of holding their subsequent annual elections of president and eight (8) directors; at each annual election of president and directors each stockholder shall have the right to cast a vote for each share owned in said stock, and may vote in person, or by proxy, under power of attorney duly executed.

Terms of office.

Election.

SEC. VI. *Be it further enacted*, That said company shall have power to purchase and hold any lands contiguous to or in the vicinity of said railroad, that may be necessary in procuring materials for, or in constructing and repairing said road, and such other lands as may be necessary for the erection of any buildings necessary and useful to said road, and also all right-of-way on land for fifty feet (50) on each side of a medium line of said road-bed, and in all cases in which any controversy or difficulty may arise between individuals or corporations, and said company or their directors, as to the right-of-way or damages to the land on or through which the same may be located, it shall and may

Right of-way, etc.

Incorporating the Lexington Terminal Railroad Company.

be lawful for either party to apply to the sheriff of the county, who shall summon a jury of five (5) free-holders to enter upon the land sought to be appropriated to the use of said company, and to take said controversy into consideration, and award in writing the amount of damages, if any, to be paid by said company; either party having the right to appeal to the Superior Court of said county, under the same laws and regulations that apply to appeals in said court, and in all instances such free-holders and jurors in said Superior Court shall be sworn in addition to the usual oath in assessing damages, to take into account the prospective value of the road, land or property through which it may be run, and hear evidence touching the same, and upon the payment of the damages so assessed as aforesaid, the principal title to such land and privileges shall vest in said road. ^{Disputed rights-of-way.}

SEC. VII. *Be it further enacted*, That said company shall have power to sell, mortgage, lease, or otherwise dispose of their rights and franchises in said road, should it at any time be deemed necessary or proper, by a majority in value and number of the stockholders; also in like manner, to purchase, lease or hold any other road or roads that may be of advantage to its operation or extension; *Provided*, that nothing herein contained, shall be so construed as to allow said company to make or become a party to any purchase, sale, agreement, contract or consolidation which shall have the effect of defeating or lessening competition or encouraging monopoly. ^{Sale, mortgage, lease, etc.} ^{Purchase, lease, etc., of other roads. Proviso.}

SEC. VIII. *Be it further enacted*, That the liability of said stockholders of said road, for the contracts, debts and defaults of the same, shall in no case exceed the amount of stock *bona fide* subscribed for by him, her, or them. ^{Liability of stockholders.}

SEC. IX. *Be it further enacted*. That if the work of constructing said road shall not be *bona fide* commenced within five years after the approval of this Act, all the rights, privileges and franchises herein provided shall cease and be forfeited. ^{Forfeiture of charter.}

SEC. X. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.
Approved October 24th, 1887.

INCORPORATING THE AUGUSTA, GIBSON AND SANDERSVILLE
RAILROAD, ETC.

No. 499.

An Act to incorporate the Augusta, Gibson and Sandersville Railroad Company, and to confirm the charter under which said company is now acting; to validate all acts and contracts made thereunder; to amend the same, and to confer additional powers and privileges upon said company, and to authorize said company to operate a line of steamboats, and for other purposes.

Preamble. WHEREAS, under the general laws of this State for the incorporation of railroad companies, as set forth in the Code of 1882, Section 1689, (a) and the sections thereafter, Robert M. Mitchell and others obtained a certificate of incorporation from the Secretary of State for the Augusta, Gibson and Sandersville Railroad Company, and under said charter, so granted, in addition to the amounts subscribed, ordinary bonds secured by mortgage, and also bonds, the interest upon which is not cumulative, and is to be paid only out of the net earnings, which are secured by mortgage, have been issued by a vote of the stockholders of said company and have been sold, and with the amount realized from subscriptions and the proceeds arising from the sale of said bonds, said railroad has been constructed, built and equipped, and is now in full and successful operation from the city of Augusta, in the county of Richmond, to Sandersville, in the county of Washington, in the State of Georgia; and

WHEREAS, it is deemed advisable by the board of directors of said company, acting under said charter, so granted, to extend said railroad from Sandersville, or some other point on said railroad, by the most practicable route to be determined by them, to Hawkinsville, in the county of Pulaski, and thence to Albany, in the county of Dougherty, which route, when located, will probably pass through or into the counties of Johnson, Wilkinson, Laurens, Pulaski, Dodge, Dooly, Wilcox, Worth, Lee, Twiggs and Dougherty, or any or all of said counties, or any adjoining counties.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That Robert M. Mitchell, William B. Young, W. J. Pollard, Charles H. Howard, William T. Gary, N. W. Murphey, George W. Stetson, James J. Davis, James Stapleton, Joshua A. Smith, John B. Williams, Thomas Warthen and James K. Hines, the present directors of the said Augusta, Gibson and Sandersville

Corpora-
tors.

Incorporating the Augusta, Gibson and Sandersville Railroad, etc.

Railroad Company, and such other persons as may be associated with them, and their successors and assigns, be, and they are hereby, recognized and created as a body politic and corporate under the name of the Augusta, Gibson and Sandersville Railroad Company, with powers, under said name, to sue and to be sued, to plead and to be impleaded, in the courts of law and equity in this State; to have and use a corporate seal with the right to break and alter the same at will; to purchase, have, hold and enjoy all such real and personal property as may be deemed necessary to advance the interest or welfare of said company, together with all such other powers as are herein conferred, as well as all powers which, by the laws of this State, are conferred generally on like corporations, and the principal office of said company shall be at Augusta, in said State.

Corporate
name.
General
powers.

SEC. II. *Be it further enacted by the authority of the same,* That all powers, privileges and immunities specified in the Act of the General Assembly approved September 27th, 1881, entitled "an Act to provide a general law for the incorporation of railroads, and to regulate the same," and the amendments thereto approved September 28th, 1883, are hereby specifically granted to and conferred upon the Augusta, Gibson and Sandersville Railroad Company, together with all the powers, privileges and immunities set forth and contained in the Code of Georgia, 1882, sections 1689 (a) to 1689 (gg) inclusive. But nothing in this Act shall be so construed as to render invalid, illegal or less binding, any subscription made to, or any contract made with the Augusta, Gibson and Sandersville Railroad Company as incorporated under the general laws of this State for the incorporation of railroads. All acts done in conformity to said charter and all contracts made by said corporation thereunder, including the issue and sale of the first mortgage bonds amounting to three hundred and fifty thousand dollars, and also the issue and sale of bonds amounting to one hundred and thirty thousand dollars, which are secured by a mortgage or deed of trust of the property and franchises of said company, the interest upon which is not cumulative, and is to be paid only out of the net earnings of said company in the manner prescribed by said company, and the privilege to the holders of said bonds to vote at all meetings of its stockholders in the manner and upon the terms prescribed by said company by whose authority the said bonds were issued and sold, are hereby ratified, confirmed and validated. This Act is intended as a special legislative grant to said company of all the powers conferred by its previous charter under the general laws, and such additional powers as are herein conferred, and especially to validate all acts done and contracts made thereunder, including

Powers obtained under general railroad law confirmed.

Acts, etc., done thereunder ratified.

Incorporating the Augusta, Gibson and Sandersville Railroad, etc.

the issue and sale of all of said bonds and the instruments made, executed and delivered to secure the payment of the same, and the privileges granted to the holders of certain of said bonds.

Extension
of lines,
etc.

Property
rights.

Condem-
nation, of
other
roads.

SEC. III. *Be it further enacted by the authority aforesaid*, That the Augusta, Gibson and Sandersville Railroad Company is hereby specially authorized and empowered to extend the line of its railroad in any direction, conforming as near as may be practicable to the lines herein before indicated, to cross any other railroad at the same level therewith; and to this end power is hereby conferred on said corporation to hold in fee simple, all real estate that may be acquired, and to sell any land held by it in fee simple, whether the same was taken for subscriptions to stock, or was acquired by gift or purchase; *Provided*, that nothing in this section shall be so construed as to apply to real estate acquired by condemnation for railroad purposes; "*Provided*, that nothing contained in this Act shall be so construed as to authorize said railroad company to condemn the tracks of any other railroad company except for the purpose of crossing such other railroad, nor to condemn more than two miles of the right-of-way of any other railroad company and then only for the purpose of reaching its passenger or freight depot in any town or city through or to which said railroad may run."

And, *Provided* further, that said railroad company shall not condemn more than the one-fourth part of the length of the track of any other railroad; nor shall this Act in any way limit or restrict the right of any other company to full and adequate and just compensation for any of its track, property or franchises so condemned.

Capit
stock.

SEC. IV. *Be it further enacted by the authority aforesaid*, That the capital stock of said company shall be two hundred and fifty thousand dollars, but the stockholders of said company, by a majority vote, may increase the same from time to time and as often as they may so decide, to an amount not to exceed three millions of dollars. The capital stock shall be divided into shares of twenty-five dollars each, and the certificates for the shares of the capital stock heretofore issued are hereby validated and declared legal.

Borrowing
money,

SEC. V. *Be it further enacted by the authority aforesaid*, That said company shall have full power and authority to borrow money, and to execute and deliver mortgages or trust deeds of any or all of its property and franchises, to secure the same; to make, issue and sell bonds to any amount which the directors of said corporation may deem advisable, and in such denomination or denominations, and to bear such rate of interest not exceeding seven per cent. per annum, and payable in such manner and at

Incorporating the Augusta, Gibson and Sandersville Railroad, etc.

such times and places as may be deemed advisable ; to secure the payment of the principal and interest of said bonds by mortgages or deeds of trust of its railroad, real and personal property, privileges and franchises, and all other rights of property. And said corporation shall also have power to establish sinking funds for the payment of its bonds or other liabilities ; to make and issue preferred stock, and to make and establish preferences, not in conflict with vested rights in respect to dividends, and may confer upon the holders of bonds issued or any bonds which it may issue, the right to vote at all meetings of its stockholders, which right to vote when once fixed, shall attach to and pass with such bonds under such regulations as said corporation shall prescribe, but shall not subject the holder to any call for or assessment of money made by such corporation or its stockholders, or to any liability for the debts of said corporation. And the exercise of these or of any of these rights and powers by said corporation, as heretofore incorporated, is hereby ratified, confirmed and validated.

SEC. VI. *Be it further enacted by the authority aforesaid,* That said corporation shall have the power and authority to adopt such gauge, or gauges, for its line of railroad, or any extensions, or branches thereof, which the board of directors may deem advisable, and may alter the same, or any part thereof, whenever the board of directors may deem it advisable so to do. Gauge.

SEC. VII. *Be it further enacted by the authority aforesaid,* That said company shall have power and authority to establish, maintain and operate a line of steamboats to navigate the Savannah river for the purpose of carrying freights and passengers for the benefit of and in connection with said railroad. Steamboat line.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That this Act is made and intended to confer all the rights, powers and privileges conferred on the Augusta, Gibson and Sandersville Railroad Company, incorporated as aforesaid, under the general laws of this State, provided for the incorporation of railroad companies, the powers herein conferred, where not conferred by the general law under which it was incorporated are additional and enlarged powers, and all changes made herein from these general laws are to be construed as amendments to its said chartered rights and privileges, and all confirmations and grants in this Act, of the same privileges that exist by the general laws under which said company received the certificate from the Secretary of State, are intended as a legislative grant to the same, to the end that the said charter under which said company is now acting, and all acts and contracts made thereunder may be validated, said company incorporated and amendments made to said chartered rights Construction of this Act.

Amending Charter of the West End and East Point Street Railroad Company.

of said company, and to confer additional powers and privileges upon said corporation, and for other purposes.

Term of
charter.

Forfeiture
of.

SEC. IX. *Be it further enacted by the authority aforesaid*, That this Act of incorporation shall continue and be of force for the term of fifty years with the privilege of renewing the same ; *Provided*, that if ten miles of said road from Sandersville towards Hawkinsville is not built and equipped and ready for business within ten years from the date of the passage of this bill, all authority herein conferred to build said road to Hawkinsville and beyond, shall cease.

SEC. X. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24, 1887.

AMENDING CHARTER OF THE WEST END AND EAST POINT STREET RAILROAD COMPANY.

No. 500.

An Act to amend an Act to incorporate the West End and East Point Street Railroad Company, and for other purposes, approved December 24th, 1886.

Name
changed.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That Section I of the original Act shall be so amended as to read: "West End, Atlanta and East Point Street Railroad Company."

Property
rights.

SEC. II. *Be it further enacted*, That Section II of said original Act be amended so as to read after the words "East Point" in the sixth line of said section, "and to condemn, acquire by device, purchase or gift such real or personal property as may be deemed proper or necessary, and that said company shall have power and authority, when they so desire, to locate its track upon any land other than a street or public road, to do so. If a question of right-of-way shall arise, and parties fail to agree, the owner of the land may select one person as arbitrator and the company shall select another person as arbitrator, (the submission to be in writing under the Code of Georgia), and said two arbitrators, so chosen, may select a third, if they cannot agree, and said arbitrators shall proceed forthwith to assess the damage for said right-of-way through said owner's land, either party having the right to appeal to the Superior court of said county.

Right-of-
way.

Borrowing
money,
bonds, etc.

SEC. III. *Be it further enacted*, That said company shall have the power and authority to issue scrip or bonds, borrow money and secure the same by mortgage or otherwise ; may, through its

Amending Charter of the Atlanta and Edgewood Street Railroad Company.

board of directors, subscribe for, purchase and own stock in any other company or corporation chartered under the laws of this or any other State; may lease or buy any other street railroad, in whole or in part, or may sell or lease its own road or roads and other property, (which it owns), in whole or in part, and shall have all the powers necessary through its said board of directors to make contracts for carrying out the purposes or provisions of this Act.

SEC. IV. That Section IV of the original Act be amended so as to increase the number of directors of said company from five to seven. ^{Increase of directors.}

SEC. V. *Be it further enacted*, That said company shall have the power and authority to build their road into the city of Atlanta, in said county, and to occupy the following named streets, first obtaining the consent of the mayor and general council of said city: Georgia Avenue, Ira, Richardson, Glenn, Cooper, Whitehall, Forsyth, Garnett, Hunter, Broad, Pryor, Alabama streets or such other street or streets as they may select, and to use for propelling cars, horse, steam or other power. ^{Extension into Atlanta. Motive power.}

SEC. VI. *Be it further enacted*, That said company shall have power and authority to erect and construct such depots, freight houses, switches, turnouts, side-tracks and turn-tables as may be necessary and proper for the conduct of its business, and shall have the right to cross any other street railroad or roads as is necessary to reach its terminal points. ^{Depots, etc.}

SEC. VII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING CHARTER OF THE ATLANTA AND EDGEWOOD
STREET RAILROAD COMPANY.

No. 502.

An Act to amend an Act to incorporate the Atlanta and Edgewood Street Railroad Company, approved December 24th, 1886, so as to authorize said company to extend its road to and into the town of Decatur, in the county of DeKalb, and to any other point in said county, to provide for the right-of way and the protection of the same, and for other purposes.

SECTION I. *The General Assembly of Georgia hereby enact*, That the Atlanta and Edgewood Street Railroad Company, incorporated by Act, approved December 24th, 1886, shall have full power and authority to survey, lay out, construct, equip, extend and operate its line of road to and into the town of ^{Extension into Decatur.}

Amending Charter of the Elberton Air-Line Railroad Company.

Decatur, in the county of DeKalb, said State, through any streets not occupied by other street railroad lines, and to any other point or points in said county, with all the powers and privileges set forth in said Act; *Provided*, that before building or operating its road over any street or streets, in any incorporated town, in said county, that it must first obtain the consent of the corporate authorities of said town, and before building or operating said road over any public road of DeKalb county the consent of the proper authorities of the county must be first obtained.

And to
other
points.

Consent of
municipal
authori-
ties.

Right-of-
way.

SEC. II. *Be it further enacted*. That except over streets and public roads, the width of the entire right-of-way of said road shall not exceed sixty (60) feet, and said company shall have full power to cut down any tree or trees near the right-of way that might, in the opinion of said company, endanger same; *Provided*, that said company shall pay to the owner of such tree or trees the market value of same when said tree shall become the property of said company.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict herewith are hereby repealed.

Approved October 24th, 1887.

AMENDING CHARTER OF THE ELBERTON AIR-LINE RAILROAD COMPANY.

No. 505.

An Act to amend the charter of the Elberton Air-Line Railroad Company, approved December 13, 1871, so as to authorize said company to issue bonds for the purpose of changing the gauge and equipments of said road; to lease its road, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Act approved December 13, 1871, granting a charter to the Elberton Air-Line Railroad Company, be, and the same is hereby amended, so as to authorize the said Elberton Air-Line Railroad Company, through its Board of Directors, to issue bonds, not to exceed five hundred thousand dollars in amount, and to secure the same by mortgage or deed of trust, for the purpose of paying the expenses of changing the gauge of said road to the standard and of providing proper equipments for the same. The said Elberton Air-Line Railroad Company, through its Board of Directors, shall be authorized to issue said bonds as above stated, and to secure the same by a deed of trust

Bonds.

Mortgage,
etc.
Purpose of.

Amending Charter of the Elberton Air Line Railroad Company.

or mortgage upon all the property, rights and privileges of said company which may be lawfully mortgaged; one hundred and fifty thousand of said bonds to be reserved in the hands of the trustee, under the mortgage, to provide for retiring the present issue of seven per cent. bonds at maturity. The bonds issued in pursuance of this Act may be in such form and denomination and on such terms and conditions as to said directors shall seem necessary and proper; *Provided*, that the interest shall not exceed six per cent. per annum, and the mortgage or deed of trust given to secure the same may be of such form and character as to said directors may seem best.

SEC. II. *Be it further enacted by the authority aforesaid*, That the said Act of December 13, 1871, granting a charter to the the said Elberton Air-Line Railroad Company, be, and the same is hereby, further amended, by adding a section thereto as follows: The said Elberton Air-Line Railroad Company shall have authority, by a majority vote of the stockholders, to lease its road to any other person or corporation for such time and upon such terms as said majority of stockholders may deem best; *Provided*, that nothing contained in this Act shall be so construed as to permit said railroad company to make or to be a party to any sale, purchase, lease, contract, agreement or consolidation which may have the effect, or be intended to have the effect, of defeating or lessening competition or encouraging monopoly. Proviso.

SEC. III. *Be it further enacted*, That these amendments to the charter of said company shall not take effect until unanimously accepted by the stockholders thereof. When amendments take effect.

SEC. IV. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24, 1887.

AMENDING CHARTER OF THE FULTON COUNTY STREET
RAILROAD COMPANY.

No. 510.

An Act to amend an Act to incorporate the Fulton County Street Railroad Company and to define its rights, powers and privileges, and for other purposes, approved September 17, 1883, so as to authorize said company to use steam, or any other motive power, for drawing its cars, now anywhere used or known, or that may hereafter be discovered or utilized, and for other purposes.

Author-
ized to use
steam or
other mo-
tive pow-
ers.

Consent of
municipal
authori-
ties must
be had.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That the Act entitled "An Act to Incorporate the Fulton County Street Railroad Company and to define its rights, powers and privileges, and for other purposes, enacted by the General Assembly of the State of Georgia, and approved September 17, 1883, be, and the same is hereby, amended by changing the period at the end of section V into a semi-colon, and by adding thereafter to said section the following words to wit: "And said company is hereby further authorized and empowered to use steam or any other motive power for drawing its cars now anywhere used or known, or that may hereafter be discovered or utilized so that said section as amended shall be as follows: Sec. 5th. Be it further enacted that this corporation is hereby granted all the rights, powers, franchise and privileges heretofore granted to the Metropolitan Street Railroad Company in Section two (2), five (5), six (6), eight (8), and nine (9) of an Act entitled "An Act to incorporate the Metropolitan Street Railroad Company, and to define its rights, powers and privileges, and for other purposes," approved Dec. 12, 1882, and said sections two, five, six, eight and nine are hereby made a part of charter of the Fulton County Street Railroad Company, and said company is hereby further authorized and empowered to use steam or any other motive power, for drawing its cars, now anywhere used or known, or that may hereafter be discovered or utilized; *Provided*, that before using, within the limits of any city or town, steam or any other motive power, other than that provided for in its original charter, the consent of the city authorities thereof shall be first obtained.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved October 24, 1887.

Incorporating the Thomasville and Ty-Ty Railway Company.

INCORPORATING THE THOMASVILLE AND TY-TY RAILWAY COMPANY.

No. 514.

An Act to incorporate the Thomasville and Ty-Ty Railway Company.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That Robert G. Mitchell, W. H. Mitchell, W. R. McIntyre, C. H. Williams, K. T. MacLean, of Thomas county, and Willis Watkins, J. B. Norman, Jr., of Colquitt county, and John Munroe, J. H. Pickett, N. B. Pitt and W. A. Story, of Worth county, or a majority of them, and such other of them as shall be associated under said name, shall be, and are hereby, incorporated and made a body politic with all the rights and privileges common and necessary to such corporation, under the name and style of the Thomasville and Ty-Ty Railway Company. Corporators.
Corporate name.

SEC. II. *Be it further enacted by the authority of the same,* That said company be authorized to build a Railway from Thomasville, in the county of Thomas, to Ty-Ty, Worth county, Ga. Said company shall have the right to take, hold and use for the purposes and within and according to the provisions of this Act, such land, not exceeding one hundred feet in width, as may be necessary for its right-of-way, sidings, depots, etc.; and it is authorized for procuring stock in the same, to open books and procure subscriptions of stock at the rate of one hundred dollars a share, at such time and places as may be thought proper; to elect or appoint all necessary officers, agents and servants; to borrow money, make contracts, hold real and personal estate, sue and be sued, and use a common seal. Route.
Right of-way.
Stock.
Officers.
Borrowing money, etc.

SEC. III. *Be it further enacted by the authority of the same,* That in all cases where a question of right-of-way may arise, and the company and the land owner or owners be unable to agree, the matter in controversy shall be submitted to arbitration under the law regulating arbitration in the Code of Georgia, but if either party shall fail or refuse to choose an arbitrator, the Ordinary of the county where such land lies shall make a choice for such party. The two arbitrators thus chosen, shall choose a third, and the award made by them shall be made in writing, filed in the clerk's office of the Superior Court of the county where the land lies, and this award shall be final, unless attacked in the manner and on the ground prescribed in the Code. If the award is set aside, the cause shall remain in court, and an issue shall be formed and tried as though the cause had been originally Disputed right-of-way.

Incorporating the Thomasville and Ty-Ty Railroad Company.

brought in the court ; *Provided*, that no private property shall be condemned by said company for right-of-way or other purpose, without just and reasonable compensation being first made to the owner or owners of such property, by said railway company, for the same.

Provisional directors. SEC. IV. *Be it further enacted, etc.*, That the corporators herein named shall be *ex officio* directors until their successors are elected under the by-laws of such company.

By-laws, etc. SEC. V. *Be it further enacted, etc.*, That said company shall have full power to pass all by-laws and regulations necessary to carry out the objects of said company not inconsistent with the laws of the State of Georgia and the United States.

Capital stock. SEC. VI. *Be it further enacted by the authority of the same.* That the capital stock of said company shall be five hundred thousand dollars which may at any time upon the votes of a majority of the stockholders be increased to a sum not exceeding one million dollars. Said corporation shall have authority to organize and commence business whenever the sum of fifty thousand dollars shall have been *bona fide* subscribed as common stock of said railway company. Said company may also issue preferred stock whenever in their discretion the interest of said company may demand.

Sale or transfer of charter, etc. SEC. VII. *Be it enacted by authority aforesaid*, That nothing in this charter shall be so construed as to authorize said railway company to sell or convey the same or any of its property, rights, privileges or immunities guaranteed thereunto, unless at the time of the sale at least ten miles of said railroad shall have been fully equipped and in running order; nor to allow said company to run its line within ten miles of any other railroad company unless where the same shall be necessary to reach a terminal point on its line; nor shall this charter have any validity or force if five years shall elapse before work in good faith is begun on the same.

Forfeiture of charter. SEC. VIII. *Be it further enacted*, That said Thomasville and Ty-Ty Railway Company is hereby incorporated for the term of fifty years.

Term of charter. SEC. IX. *Be it further enacted, etc.*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE CHATTANOOGA SOUTHERN RAILWAY COMPANY.

No. 515.

An Act to incorporate the Chattanooga Southern Railway Company, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That W. Crutchfield, Robert Dougherty, John Y. Wood, C. W. Evitt, J. F. Smith, G. W. Hill, Hiram Smith and J. C. Henderson, or a majority of them, and such other of them as shall be associated under said name, shall be, and are hereby incorporated and made a body politic, with all the rights and privileges common and necessary to such corporation, under the name and style of the Chattanooga Southern Railway Company. Corporators.
Corporate name.

SEC. II. *Be it further enacted by the authority aforesaid*, That said company be authorized to build a railway from near Blowing Springs, in Walker county, Georgia, on the State line of Tennessee, to a point on the line between Georgia and Alabama, near Alpine, in Chattooga county, Georgia; said company shall have the right to take, hold and use, for the purposes and within and according to the provisions of this Act, such land, not exceeding one hundred feet in width, as may be necessary for its right-of-way, sidings, depots, etc., and it is authorized, for procuring stock in the same, to open books and procure subscriptions of stock at the rate of one hundred dollars a share, at such time and places as may be thought proper; to elect or appoint all necessary offices, agents and servants; to borrow money, make contracts, hold real and personal estate, sue and be sued, and use a common seal. Route.
Right-of-way.
Stock subscriptions.
General powers.

SEC. III. *Be it further enacted by the authority aforesaid*, That in all cases where a question of right-of-way may arise, and the company and the land-owner or owners be unable to agree, the matter in controversy shall be submitted to arbitration under the law regulating arbitration in the Code of Georgia; but if either party shall fail or refuse to choose an arbitrator, the Ordinary of the county where such land lies shall make a choice for such party; the two arbitrators thus chosen shall choose a third, and the award made by them shall be made in writing, filed in the clerk's office of the Superior Court of the county where the land lies, and this award shall be final, unless attacked in the manner and on the ground prescribed in the Code. If the award is set aside, the cause shall remain in court and an issue shall be formed. Disputed rights-of-way.

Incorporating the Buena Vista and Ellaville Railroad Company.

and tried as though the cause had been originally brought in the court; *Provided*, no land or other property condemned under the provisions of this section shall be taken, used and occupied by the said company until just and reasonable compensation has been paid to the owner or owners thereof.

Provision-
al direc-
tors.

SEC. IV. *Be it further enacted by the authority aforesaid*, That the corporators herein named shall be *ex officio* directors until their successors are elected under the by-laws of such company.

By-laws,
etc.

SEC. V. *Be it further enacted by the authority aforesaid*, That said company shall have full power to pass all by-laws and regulations necessary to carry out the objects of said company, not inconsistent with the laws of the State of Georgia and the United States.

Capital
stock.

SEC. VI. *Be it further enacted by the authority aforesaid*, That the capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each.

Term of
charter.

SEC. VII. *Be it further enacted by the authority aforesaid*, That said Chattanooga Southern Railway Company is hereby incorporated for the term of fifty years.

Forfeiture
of charter.

SEC. VIII. *Be it further enacted*, That if the said company shall fail to grade, iron and equip with rolling stock ten miles of road hereinbefore authorized to be constructed within five years, or shall undertake to assign or transfer this charter before this is done, then this charter to be null and void, without a judgment of forfeiture as a penalty for non-compliance with the provisions of this section.

SEC. IX. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE BUENA VISTA AND ELLAVILLE RAIL-
ROAD COMPANY.

No. 521.

An Act to incorporate the Buena Vista and Ellaville Railroad Company; to ratify and confirm the charter under which said company is now acting; to ratify and confirm its change of terminus; to allow it to extend its line, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That Uriah B. Harrold, Malcolm Hair, Edgar M. Butt, Jas. M. Lowe, J. R. McMichael Wm. D. Murray, Jno. N.

Incorporating the Buena Vista and Ellaville Railroad Company.

Cheney, W. A. Black, Jno. W. Wheatley, M. Speer, R. J. Perry, D. W. Bogley and N. A. Smith, who are now the directors of the Buena Vista and Ellaville Railroad Company, the present stockholders, their associates, successors and assigns, be, and they are hereby incorporated and made a body corporate and politic under the name and style of the Buena Vista and Ellaville Railroad Company, and by that name shall have continuous succession, and shall be able and capable to sue and be sued, to implead and be impleaded in any court whatever, and may have and use a common seal, and may alter and renew the same at pleasure and may make, change and repeal such by-laws as may be deemed proper; may appoint all necessary officers; may contract and be contracted with; may purchase or receive by donation and use and enjoy all property, real and personal, that may be deemed useful or necessary for said company; may buy, sell and hold real property along its line of road; fix and receive reasonable rates for the carriage of freight and passengers, not inconsistent with the laws of this State or the United States. It may purchase, condemn or acquire such right-of-way as may be necessary or proper; shall have power to issue stock, borrow money, issue notes, debentures, bonds and the like, and secure the same by mortgage or deed of trust or otherwise. Said corporation shall have all the powers, facilities, franchises, immunities and rights necessary or proper to successfully accomplish and maintain the objects of its incorporation and incident to all such corporations.

Corporators.

Corporate name.

General powers.

SEC. II. *Be it further enacted by the authority aforesaid,* That all the powers, rights, privileges and immunities set forth in and specified in the Act of the General Assembly, approved September 27th, 1881, entitled "An Act to provide a general law for the incorporation of railroads and to regulate the same," and the amendments thereto, approved September 28th, 1883, are hereby specially granted to and conferred upon the Buena Vista and Ellaville Railroad Company, together with all the powers, rights, privileges, franchises and immunities enumerated and contained in the Code of 1882 of Georgia, sections 1689 (a) to 1689 (gg) inclusive.

Powers granted under general railroad law confirmed.

This Act is intended as a special legislative grant to said railroad company of all the powers conferred by its previous charter under the general law and such additional powers as are herein conferred.

SEC. III. *Be it further enacted by the authority aforesaid,* That the change of terminus of said Buena Vista Railroad Company from Andersonville to Americus be, and the same is hereby expressly ratified and confirmed, and that the said Buena Vista and Ellaville Railroad Company is hereby specially authorized and empowered to extend the line of its road through the counties of Muscogee, Chattahoochee and Marion to the city of Co-

Change of terminus.

Extension of lines.

Incorporating the Buena Vista and Ellaville Railroad Company.

Increase of
capital
stock.
Rights as
to realty.

Borrowing
money, etc.

Powers of
directors.

Principal
and branch
offices.

Manage-
ment.

lumbus, or to a point on the Muscogee or Southwestern Railroad track, and thence along the right-of-way of said Muscogee or Southwestern Railroad to Columbus, and to increase its capital stock an amount which will equal the additional expense and outlay of making and building said extension, and to issue stock therefor, and to receive and accept and hold real estate at such prices as may be agreed upon in payment of subscription, and issue stock therefor, and to this end, power is hereby conferred on said corporation to hold in fee-simple all real estate that may be by it acquired, and said corporation is hereby authorized and empowered to sell, lease and rent any lands held by it in fee-simple, whether the same was taken for subscription for stock or otherwise, provided nothing in this section shall be construed so as to apply to real estate acquired by condemnation for railroad purposes; that to defray the costs of said extension the directors of said corporation may borrow money on such terms and at such rates of interest as they may deem wise, and to secure the same, may by their president give notes, issue bonds and secure the same by mortgage, trust, deed or otherwise on the entire property of the corporation; they shall have authority to manage and conduct all the business of the corporation of every kind, to make contracts, to borrow money, to make notes, or other evidences of debt, to issue bonds at any time and from time to time, as in their judgment the exigencies of the company require, and execute any deed or deeds of mortgage or deed of trust or security for the fulfillment by said corporation of its contracts, obligations or liabilities of any and every kind, and to do all acts necessary or proper to carry out and maintain the object of the incorporation of said railroad company.

SEC. IV. *Be it further enacted*, That the principal office of said corporation shall be in Americus, county of Sumter, but said company shall have power and authority to establish branch offices for the transfer of stock, or the transaction of its business, in such other places as the directors may deem best for its interest.

SEC. V. *Be it further enacted by authority of the same*, That the present directors named in the first (1st) section of this Act shall continue to manage and control as such the officers of this corporation for the full period for which they were elected, and until their successors are appointed and qualified, and that the affairs of said corporation shall continue as provided in its original and amended charter obtained under the general railroad law aforesaid.

Incorporating the Albany and Bainbridge Railroad Company.

SEC. VI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved October 24th, 1887.

INCORPORATING THE ALBANY AND BAINBRIDGE RAILROAD COMPANY.

No. 533.

An Act to incorporate the Albany and Bainbridge Railroad Company; to define its powers and duties, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That from and after the passage of this Act, B. B. Bower, J. D. Harrell, of Decatur county; R. S. McCullum, R. L. Mims, J. H. Bodiford, Reuben Jones and P. W. Jones, of Baker county; W. E. Smith and J. W. Walters, of Dougherty county, and such other persons as may be associated with them, their successors and assigns, be, and they are hereby created a body politic and corporate by the name and style of the Albany and Bainbridge Railroad Company, and in and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State or the United States; may make by-laws, and appoint all necessary officers and prescribe their duties, and accept, purchase, hold and convey any property, either real or personal, necessary for the purposes hereinafter mentioned; may make contracts, have and use a common seal, and do other lawful acts properly incident to and connected with said corporation and necessary for the control and transaction of its business; *Provided*, that their by-laws are not repugnant to the Constitution and laws of this State or of the United States.

Corporators.

Corporate name.
General powers.

SEC. II. *Be it further enacted by the authority aforesaid*, That said company shall have power and authority to survey, lay out, construct, equip and use a railroad from Albany, in Dougherty county, Georgia, through the counties of Dougherty, Baker and Decatur to the town of Bainbridge, in Decatur county, of any gauge they may desire, and to carry freight and passengers over said road, charging such an amount for freight and passenger tariffs as may be considered expedient and not contrary to the legal requirements of this State, and to open books and procure subscriptions for stock at the rate of not exceeding one hundred

Tolls.

Incorporating the Albany and Bainbridge Railroad Company.

Stock sub-
scriptions.
Officers.
Borrowing
money, etc.

dollars per share, at such times and places as may be thought proper; to elect a president and five directors; to borrow money, make contracts, hold real and personal estate to and for the use of said road; to have power to make all contracts necessary and proper for the building and completion of said railroad; to purchase iron, rolling stock and equipments for the same and for the purposes aforesaid; to issue bonds to such amount, payable at such time and drawing such a rate of interest as may be agreed upon and determined by a majority of the stockholders, and based upon such security as may be agreed upon, and to sell said bonds, or otherwise dispose of them, as their board of directors may determine; *Provided*, said railroad shall not run within ten miles of any other railroad already constructed, but this shall not apply to either terminus of said railroad.

Proviso.

Capital
stock.

SEC. III. *Be it further enacted*, That the capital stock of said company shall be divided into shares of not exceeding one hundred dollars each and shall not exceed the sum of two million dollars.

Disputed
right-of-
way.

SEC. IV. *Be it further enacted*, That when a question of right-of-way shall arise, and parties are unable to agree, the owner of the land may select a free-holder of said county, disinterested, or his agent or attorney may do so, and the agent of the company shall select a free-holder of said county, and they shall agree upon the damages, if they can, and if they cannot, the two shall select a third free-holder of said county, disinterested, and a majority of the three shall assess the damages to be paid by the company for the right-of-way through the owner's land; either party having the right to appeal within four days to the Superior Court according to law; *Provided*, private property shall not be taken or used by said corporation until just and adequate compensation is first paid the land-owner.

First
meeting of
stockhold-
ers.

SEC. V. *Be it further enacted*, That for the organization of said company, said persons hereinbefore named, or a majority of them, shall have power to call a meeting of the corporators herein named, who shall elect a president and five directors for said company, who shall hold their offices for twelve months from the time of their election, or until their successors are elected, and the said corporators may prescribe in their by-laws for future elections, the time and place for holding same and who shall be qualified to vote at same. The board of directors shall have power to fill all vacancies which may occur in the board, unless otherwise provided for in the by-laws of said company. The directors elected as herein provided may appoint times and places at which subscriptions for stock in said company may be taken, and every

Elections.

Vacancies.

Payments
for stock,
etc.

Incorporating the Newton, Morgan and Lumpkin Railroad Company.

person or corporation or body politic subscribing at any such places or at any time afterwards, under the direction of the directors, or a majority of them, shall be stockholders in said company and shall pay in the stock so subscribed at such times and in such amounts as the by-laws or regulations of said company may require; that said company shall not begin operations, nor let contracts, nor incur any liabilities until the sum of fifty thousand dollars' stock has been *bona fide* subscribed and ten per cent. of such subscription shall have been paid in in cash; *Provided*, this charter shall be null and void unless as much as ten miles of said railroad is constructed and in operation within five years after the passage of this Act.

Beginning business.

Forfeiture of charter.

SEC. VI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE NEWTON, MORGAN AND LUMPKIN.
RAILROAD COMPANY.

No. 535.

An Act to incorporate the Newton, Morgan and Lumpkin Railroad Company; to define its powers and privileges, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That B. F. Hudspeth, J. W. Thayer, of Baker county; A. I. Monroe, J. J. Beck and T. E. Boyd, of Calhoun county; R. F. Crittendon and N. L. Helms, of Randolph county; John W. Barge and R. F. Watts, of Stewart county, and such other persons as may be associated with them, and who shall be stockholders, and their successors and assigns, be, and they are hereby created a body politic and corporate under the name of the Newton, Morgan and Lumpkin Railroad Company, with power to sue and be sued; to plead and be impleaded in the courts of law and equity in this State; to have and use a corporate seal, with the right to break, alter and change the same at will; to purchase, hold and use all such real and personal property of every kind and description as may be deemed desirable or necessary and as will advance the interest or welfare of said company, together with all and such other powers hereinafter conferred, as also those powers which are conferred generally on like corporations by the laws of this State, and the princi-

Corporators.

Corporate name General powers.

Incorporating the Newton, Morgan and Lumpkin Railroad Company.

Principal office. pal office of said company shall be at the point where said road intersects the extension of the Southwestern Railroad, between Albany and Blakely, in this State, but the board of directors shall have power to change the same at any time to any other point on its line by giving sixty days' notice in the newspapers in which the sheriff's advertising of Calhoun county is published.

Route. **SEC. II.** *Be it further enacted by the authority aforesaid,* That said company be, and they are hereby authorized and empowered to survey, lay out, grade, construct, build, equip, maintain, conduct and operate a railroad from the town of Newton, in Baker county, in the State of Georgia, by the most practicable route through said county of Baker, and thence through Calhoun county to the town of Morgan, and thence through Calhoun and Randolph counties to Shellman, thence through Randolph and Stewart counties to the town of Lumpkin, in Stewart county, with full authority to cross, connect or consolidate with any railroad now constructed or that hereafter may be constructed and which may form a link in any part of said line.

Connection with similar roads.

Surveys, etc.

Property rights, etc.

Right-of-way.

Crossing, etc., of streets, other railroads, etc.

Turn-outs, etc.

SEC. III. *Be it further enacted by the authority aforesaid.* That the said company is empowered to cause such examinations and surveys to be made of the proposed line and branches as shall be necessary to select the most advantageous route, and for that purpose may enter upon the lands of any person or persons, and by gift or purchase, said corporation may acquire title to real estate or other personal property for the construction, maintenance and accommodation of said railroad, and may hold and use such real estate and other property for stations and connections with other railroads, terminal facilities and for all other purposes, and shall have authority to have or buy all lands necessary for its use and to sell any lands which may be owned by them, and may be deemed advisable; and said corporation is further authorized and empowered to lay out its line of railroad and branches on a right-of-way not more than two hundred feet in width, and for the purposes of cutting and filling and for obtaining ground and material, to take such and so much land as may be necessary for the proper construction and security of said railroad, and to remove trees and other obstructions on the right-of-way, making compensation therefor in the manner prescribed in this Act, and to construct its railroad ways along and upon any water course, street, highway, after obtaining consent of county or municipal authorities, or canal, and along or across any other railroad which the route of railroad shall intersect or touch, to cross at grade, intersect, join or unite its railroad with any railroad now or hereafter to be constructed and built at any point in its route upon the right-of-way of any other railroad company, making compensation therefor in the manner herein prescribed, and may erect the necessary turn-out-, sidelings, switches and

Incorporating the Newton, Morgan and Lumpkin Railroad Company.

other conveniences necessary in the construction and operation of the railroad, and may run over the right-of-way of any other railroad to its freight or passenger depot, shops, etc., in any city, town or village through which said railroad may run, to convey personal and all manner of property over its railroad by the use of steam or animals or any mechanical power, and to charge and receive compensation therefor, and to do all things necessary for a general railroad business, to erect and maintain buildings, stations, fixtures and machinery within or without a city, town or village for the accommodation and use of passengers or for freight business, to borrow such sum or sums of money at such rate of interest not usurious and upon such terms as such company or its board of directors may agree upon and may deem necessary and expedient, and to secure the same, may execute one or more trust deeds or mortgages, either or both, as occasion may require, of its railroad franchise, privileges or other property.

Over right-of-way of other roads. Rights as carriers.

Buildings, etc.

Borrowing money, etc.

SEC. IV. *Be it further enacted by the authority aforesaid,* That the capital stock of said company shall be three hundred thousand dollars, with power by a majority vote of the stockholders to increase the same from time to time to an amount not to exceed one million of dollars, which shall be divided into shares of one hundred dollars each; and said company shall be authorized to commence to construct and build said railroad, whenever, in the judgment of the corporators, the amount of sixty thousand dollars is *bona fide* subscribed to the capital stock of said company.

Capital stock.

Beginning business.

SEC. V. *Be it further enacted by the authority aforesaid,* That the books of subscription or subscription lists may be opened by the corporators at either terminus or in any county in which it is proposed said road may be located and constructed or elsewhere, and subscriptions to the capital stock of said company may be made in the form of a general contract or agreement, or in promissory notes or other form, or may be paid in cash, and when said subscriptions are fully paid certificates of stock shall be issued on the basis of one share for every one hundred dollars paid.

Stock subscriptions.

SEC. VI. *Be it further enacted by the authority aforesaid,* That all subscription made to the capital stock shall be payable in such installments as may be agreed upon, or in the absence of an agreement in such installments as may be ordered by the board of directors, and if any stockholder shall neglect or refuse to pay any installment in sixty days after the same may have been due and notice given, such stock, with all payments previously made thereon, in the discretion of the board of directors shall be forfeited to the company, or the said company shall have the right of action for all such installments as may be called and not paid.

Payments on.

Failure to pay.

SEC. VII. *Be it further enacted by the authority aforesaid,* That whenever said company and any person or persons, or corporation

Incorporating the Newton, Morgan and Lumpkin Railroad Company.

Disputed
rights-of-
way.

through or on whose land or right-of-way said railroad shall be located, or when the company shall select the same to locate depot buildings, shops, stations or for other necessary purposes, and the parties cannot or do not agree on the amount to be paid by the company for the right-of-way or title to the land desired, it shall and may be lawful for said company to construct its railroad over any land belonging to other persons or corporations, and upon and across the right-of-way and tracks of other railroad companies, upon paying to the owner thereof or to his or her or their authorized representatives, just and reasonable compensation. Nothing in this Act shall authorize said company to take, hold or use any private or corporate property till just and adequate compensation has first been paid : *Provided*, that nothing herein contained shall be construed to authorize said company to consolidate or connect with any other railroad company, so as to have the effect to defeat or lessen competition or encourage monopoly.

Proviso.

Bonds, etc.

SEC. VIII. *Be it further enacted by the authority aforesaid.* That said railroad company shall have power to make, issue and sell bonds of such denomination, to bear such rate of interest not exceeding seven per cent. per annum, payable at such times and places, and to such an amount as the directors may determine, and to secure payment of the principal and interest of said bonds, by mortgages or deed of trust of its railroad, real and personal property, franchises and all other rights of property.

Directors.

SEC. IX. *Be it further enacted by the authority aforesaid.* That the business and affairs of said railroad company shall be managed by a board of not exceeding thirteen directors, nor less than seven, who shall be elected annually by the stockholders, and shall hold office until their successors are elected and qualified, but until the amount of sixty thousand dollars is *bona fide* subscribed to the capital stock of said company, and until a board of directors shall be elected, and shall qualify, the business and affairs of said corporation shall be managed by said corporation or a majority of such of them as shall act, and such other persons as they may associate with them, as directors. The first election shall be held whenever the stockholders may determine, and annually thereafter at such time and place as may be prescribed by the by-laws of the company. In all meetings of the stockholders, each stockholder shall be entitled to as many votes as number of shares owned. All elections shall be by ballot unless otherwise provided by the by-laws of said company. The votes may be cast in person by the stockholder or any person duly authorized as proxy in writing. The board of directors of said

Provisional directors.

Elections.

Vacancies. company shall have power to fill all vacancies which may occur

Incorporating the Newton, Morgan and Lumpkin Railroad Company.

in the board of directors, and the person so elected shall hold office until their successors shall qualify.

SEC. X. *Be it further enacted by the authority aforesaid.* That the incorporators may choose one of their number as president to act until a board of directors is elected, and thereafter the board of directors shall elect from their number a president of said railroad company, and may elect a secretary and treasurer. The president shall appoint such other officers, agents and employees as he may deem necessary and proper to carry on the business of said company. The president and board of directors shall have power to control all the business and affairs of said company, call on and demand payment of subscriptions in installments, or as they may deem proper, and may forfeit shares of stock subscribed for, and all previous payments made, if all payments shall not have been made as required; but the company shall not be entitled to recover by action for any installment that may be due upon stock when it is forfeited for non-payment of installments. The directors shall have power to adopt a corporate seal, to make by-laws and regulations and to declare dividends.

President.

President and other officers.

Powers of.

SEC. XI. *Be it further enacted by the authority aforesaid.* That the stock in said company shall only be transferable on the books of the company under regulations to be prescribed in the by-laws; but no share shall be transferable until the whole amount shall be paid thereon to the company.

Transfers of stock.

SEC. XII. *Be it further enacted by the authority aforesaid.* That all powers, privileges and immunities specified under the general law for the incorporation of railroads, together with all the powers, privileges and immunities set forth and contained in the Code of Georgia of 1882, from section 1689 (a) to 1689, (gg) inclusive, and hereby specifically granted to and conferred upon the Newton, Morgan and Lumpkin Railroad Company, except so far as this Act may alter, change or add to the same.

Powers, etc., under general railroad law conferred.

SEC. XIII. *Be it further enacted by the authority aforesaid.* That this Act shall continue and be of force for the term of fifty years, with privileges of renewal; *Provided*, the charter herein granted shall not be transferable to any third person, or corporation, or company, until ten miles of any part thereof has been fully equipped and put in running order, nor any longer legal and valid as a charter if five years shall expire from the date of this grant before ten miles shall have been built and equipped with rolling stock, nor if the said line of road shall run in a parallel direction with any other railroad now complete, within a distance of ten miles; this latter provision shall not be deemed and held to exist where it is necessary for said railroad to reach a terminal point or city or town on its line.

Term of charter.

Transfer.

Forfeiture. Distance from other roads.

Incorporating the Catoosa Springs Company with Power to Construct a Railroad.

SEC. XIV. *Be it further enacted by the authority aforesaid*, That all laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24, 1887.

INCORPORATING THE CATOOSA SPRINGS COMPANY WITH
POWER TO CONSTRUCT A RAILROAD.

No. 544.

An Act to incorporate the Catoosa Springs Company with power to construct a railroad.

Corpora-
tors.
Corporate
name.
General
powers.

SECTION I. *Be it enacted by the Senate and House of Representatives of Georgia*, That J. P. Smart, I. A. Snow, J. H. Warner and their associates, be, and are hereby, constituted a body politic and corporate by the name of the Catoosa Springs Company, and as such may sue and be sued, plead and be impleaded in any courts in the State; may have and use a common seal, and alter the same at pleasure; may purchase, hold and sell any property real or personal, necessary or convenient to the use of the charter and in the running of a railway; may make by-laws and regulations in regard to officers and salaries, the board of directors fixing the number of directors and what shall constitute a quorum; may fix upon the amount of capital and the division of the same into shares, and may increase the same; may make regulations as to the transfer of the same, and may make all such by-laws and regulations as may be deemed necessary for the objects of their incorporation, not inconsistent with the laws of the same, and exercise, in general, all powers incident to and commonly exercised by corporations, and shall continue for one hundred years.

Borrowing
money, etc.

SEC. II. *Be it further enacted*, That said company shall have power to borrow money and execute notes or bonds therefor, and mortgages or trust deeds to secure payment of any sums so borrowed.

Railroad
route.

SEC. III. *Be it further enacted*, That said company shall have power and authority to survey, lay out, construct, equip and use a railroad on the plan of a street or tram-railway, from the right-of-way of the Western and Atlantic Railroad, in Catoosa county, to Catoosa Springs, in said county, by a convenient and practicable route, and carry travelers and freight over said railroad for a reasonable compensation, which they are empowered to collect

Rights as
carriers.

Incorporating the Gainesville and Columbia Railroad Company.

as other railroad companies, and make contracts on account of said railroad, and lease the same if desired. And said railroad may be continued from Catoosa Springs to or near Varnell's Station, on the East Tennessee, Virginia and Georgia Railroad, and may be operated by steam-power, horse-power or electricity. That when a question of right-of-way shall arise and the parties cannot agree, the owner of the same shall select a man, or his attorney or agent may do so, and the agent of the company shall select a man, and they shall agree upon the value of the land if they can, and if not they shall select a third disinterested man, and a majority of the three shall assess the damages to be paid by the company to the owner for the right-of-way through the land; either party may appeal, within four days, to the Superior Court according to law; *Provided*, the right-of-way shall not be over fifty feet on each side of the track.

Extension.

Motive
power.
Disputed
right-of
way.

SEC. IV. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24th, 1887.

INCORPORATING THE GAINESVILLE AND COLUMBIA RAILROAD COMPANY.

No. 547.

An Act to incorporate the Gainesville and Columbia Railroad Company.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That W. F. Heyward, R. M. Patillo, A. P. Wofford, Geo. H. Waring, H. W. J. Ham and J. N. Coggins, their associates, successors and assigns, be, and are hereby, created and incorporated as a body politic and corporate under the name and style of the Gainesville and Columbia Railroad Company, and as such may sue and be sued, plead and be impleaded in any court in this State, may have and use a common seal, and pass any by-laws necessary for the management of the corporation and the selection of its officers and employees, not otherwise provided for in this Act.

Corpora-
tors.Corporate
name.
General
powers.

SEC. II. *Be it further enacted*, That the said Gainesville and Columbia Railroad Company is hereby authorized and empowered to construct, maintain and operate a railroad from the city of Gainesville, in Hall county, through the counties of Hall,

Route.

Incorporating the Gainesville and Columbia Railroad Company.

Property
rights.

Banks, Franklin, Hart, Jackson, Madison and Elbert, to a point on the South Carolina line in said Elbert county, to be decided upon by the directors of said road; that said company shall have power to accept, purchase, lease, have and hold and convey any property, real or personal, or mixed, and to erect such buildings, depots and shops, operate such machinery and do such things consistent with the purposes for which the corporation was chartered.

Right-of-
way.Disputed
right-of-
way.

SEC. III. *Be it further enacted*, That said company may occupy and have for its right-of way, compensation first being paid, a strip of land not exceeding one hundred feet in width, and in all cases where a question of payment for right-of-way arises, and the company cannot agree with the owner or representative of the land upon which it is proposed to enter, the Sheriff of the county in which said land is located, at the request of either party, shall summons a jury of five (5) disinterested freeholders of said county, who shall assess the damages to be paid by said railroad company, after being sworn to do justice between the parties, which assessment shall be final and conclusive between the parties unless an appeal shall be entered, within four (4) days after said decision, to the Superior Court. Said appeal may be made by either party, upon complying with the existing rules for appeal to the Superior Court. The party appealing pays all the costs of the proceedings; when no appeal, the costs to be equally divided between the company and the owner of the land. The costs in the Superior Court shall be taxed against the defeated party. When the company appeals, before the same shall be allowed, they must pay to the owner of the land three-fourths of the assessment appealed from, which sum thus paid shall be endorsed upon the papers in said case and stand in lieu of the bond required by law in all appeal cases.

Consolidation, etc.,
with other
roads.

Proviso.

SEC. IV. *Be it further enacted*, That said company shall have power and authority to consolidate its road and franchises with any other railroad company or companies now or to be hereafter incorporated by this State or the State of South Carolina, upon such terms as they may agree upon; *Provided*, said consolidation shall not violate the laws of Georgia against monopolies; *Provided further*, that no such consolidation shall have the effect of making the corporation herein chartered a foreign corporation; that said corporation shall forever remain a Georgia corporation and subject to the laws and jurisdiction of this State.

Officers

SEC. V. *Be it further enacted*, That the officers of said company shall consist of a President, a Vice-President and a Board of Directors, said board consisting of not less than three nor more than eleven, to be chosen as follows: That for the first five years

Incorporating the Gainesville and Columbia Railroad Company.

from the passage of this Act, the incorporators named therein are hereby declared the directors of said company, and they are hereby empowered to elect six more, who when they are so elected, and have accepted said position, shall be considered as among the original incorporators of this company, and their terms as directors shall be for five years from the passage of this Act; that the President and Vice-President shall be elected by the board of directors, either from among their own number, or an outsider, as they deem best. All the vacancies in the board of directors caused by death or resignation, shall be filled by the directors themselves choosing the party to fill said vacancy; that after the expiration of the terms of office held by the directors created by this Act, and yearly thereafter, there shall be held by the stockholders of said company, an election for directors under the same rules and regulations as govern the elections on other railroads in this State. *Be it further enacted*, That the board of directors shall have full power and authority to enact any and all rules and regulations pertaining to the selection of officers, agents and employees of said road. They shall have full power and authority to authorize the working of any contract they may deem best for the interest of the road. They are hereby empowered to borrow any amount of money they may deem necessary for the company by issuing bonds to any amount not to exceed two millions of dollars, said bonds to be secured by mortgage, or mortgages to trustees on the whole or any part of the property of the company, its rights and franchises. Said bonds and mortgages must be signed by the President and Treasurer of said company, shall designate on their face the place of payment and shall bear the seal of the company attached thereto. Such bonds and mortgages shall only issue and be executed whenever the board of directors, or a majority of them, shall so direct by a resolution entered upon the minutes of said board, which resolution shall describe the character and amount of said bonds and mortgages. The board of directors shall have full power and authority to pass all by-laws, rules and regulations, for the proper management of the company and for the collecting the unpaid subscriptions that are due the company.

SEC. VI. *Be it further enacted*, That the capital stock of said company shall not be less than \$100,000 and may be increased to two million if necessary, and its board of directors are hereby authorized to open books of subscriptions to the same. Each share of stock in said company shall be \$100 par value, and the holder thereof shall be entitled to one vote in the election of its board of directors.

SEC. VII. *Be it further enacted*, That said company is hereby

Provisional directors.

Elections.

Vacancies.

Permanent directors.

Powers of directors.

Capital stock.

Incorporating the Gainesville and Columbia Railroad Company.

Crossing,
etc., of
other
roads, etc.

authorized to cross, intersect, unite or join its track with any other railroad heretofore or hereafter to be constructed at any point on its route or upon the ground of any other railroad company, with the necessary turnouts, sidings and switches and other conveniences, necessary in the construction and maintainance of its road, and may run over not more than two miles of any part of any other railroad's right-of-way necessary or proper to reach its own freight or passenger depot in any town or village through or near which its road may run, to erect and maintain convenient buildings, stations, fixtures and machinery whether within or without a city, town or village for the accommodation and use of its passengers and freight, and the repair or construction of its rolling stock and engines.

Distance
from other
roads.

SEC. VIII. *Be it further enacted*, That the general direction and location of said railroad shall be at least ten miles from any railroad already constructed, but this section shall not apply to any point within ten miles of its terminus nor prevent said roads running as near each other for the first ten miles from either terminus as the interest of the company building the road herein authorized may declare.

Forfeiture
of charter.

SEC. IX. *Be it further enacted*, That all the powers, rights, privileges and immunities hereby granted shall cease and determine unless said company shall within five years from the passage of this Act commence and *bona fide* continue the construction of the railroad herein authorized.

Transfer of
charter.

SEC. X. *Be it further enacted*, That the incorporators shall have no power to transfer this charter before at least ten miles of said road has been graded, ironed and ready for rolling stock, and in the event of such transfer this charter is forfeited.

SEC. XI. *Be it further enacted*, That all laws and parts of laws that are in conflict with this Act be, and the same are hereby, repealed.

Approved October 24, 1887.

INCORPORATING THE EASTMAN AND AMERICUS AIR-LINE
RAILROAD COMPANY.

No. 550.

An Act to incorporate the Eastman and Americus Air-Line Railroad Company, and to grant certain powers and privileges to the same ; to authorize said road to consolidate its road with any other road in this State, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That James M. Buchan, James E. Schofield, T. J. Ray, D. M. Roberts, T. J. Buchan, Lewis Arnheim and E. G. Simmons, and such other persons as may associate with them, are hereby constituted a body corporate and politic, by the name and style of the Eastman and Americus Air-Line Railroad Company ; and shall be capable in law to sue and be sued, plead and be impleaded, contract and be contracted with, purchase, receive, have, hold, use, possess and enjoy real and personal property which they may deem necessary and proper for the use of said railroad company.

Corporators.

Corporate name.
General powers.

SEC. II. That the capital stock of said railroad company shall be divided into shares of one hundred dollars each, and shall not exceed the sum of five hundred thousand dollars.

Capital stock.

SEC. III. *Be it further enacted,* That said company shall have power and authority to organize a board of directors to continue in office until there shall be a regular election of directors under the provisions of this charter and the by-laws to be adopted by said company, to open subscription books for the capital stock of said company, and that the charter hereby granted to them, shall continue to their use or the use of their successors for the term of fifty years.

Provisional directors.

Stock subscriptions.
Term of charter.

SEC. IV. *Be it further enacted,* That said company shall have power and authority to survey, lay out, construct and operate a railroad from the town of Eastman, in the county of Dodge, through a portion of the counties of Dodge, Pulaski, Dooly and Sumter, in as near an air-line as can be practically done, to touch at and go through the towns of Vienna and Drayton, in the county of Dooly, to Americus, in the county of Sumter, all in the State of Georgia, by any convenient and practicable route which may be selected, and to transport and carry over said railroad, passengers and freight for reasonable compensation.

Route.

SEC. V. *Be it further enacted,* That when the sum of fifty thousand dollars shall have been subscribed to the capital stock

Incorporating the Eastman and Americus Air-Line Railroad Company.

First meeting of stockholders. of said company, the incorporators, or a majority of them, shall, by publication in some public newspaper, give twenty days' notice of a meeting of the subscribers to the capital stock of said company, to be held at such place as may be designated in said notice, for the purpose of electing from their own number a board of not less than five directors to manage and control the business of said company for two years and until their successors are elected and qualified, and such board of directors, as well as those boards of directors that may be there-
 Directors. after elected, shall select from their number a president, and
 President. shall have power to make and adopt by-laws for the govern-
 By-laws. ment and control of the board and company, and to appoint and
 Other officers, etc. employ such officers, agents and servants as may be deemed proper by said board of directors.

SEC. VI. *Be it further enacted*, That in the election herein provided for, each subscriber to the capital stock of said company shall be entitled to one vote for every share of stock subscribed by him or her, or which he or she may represent as proxy by power of attorney.
 Vote of stockholders.

SEC. VII. *Be it further enacted*, That questions of right-of-way that cannot be settled by agreement between the parties shall be arbitrated under the provisions of the general law of the State in force at the time of the arbitration; *Provided*, nevertheless, that said right-of-way shall not extend more than fifty feet from the centre of the track on each side of said railroad.
 Disputed rights-of-way.

SEC. VIII. *Be it further enacted*, That said company shall have full power and authority to run over or cross any railroad or public road in said counties, and have the use of such public streets in any of the towns through or in which it may run its tracks as located and determined by the engineers of said company, and which may be granted them by the corporate authorities of said towns or acquired by them by purchase under the law.
 Crossing, etc., of other railroads, etc.

SEC. IX. *Be it further enacted*, That such company shall have power and authority to receive land or other property as part payment to its capital stock at such valuation as may be agreed upon under the rules, regulations and by-laws of said company.
 Payments for stock.

SEC. X. *Be it further enacted*, That said company may contract, loan, borrow money, mortgage its property, real and personal, and the franchise, and to do and perform any other act which may be to its advantage not inconsistent with the laws of this State.
 Borrowing money, etc.

SEC. XI. *Be it further enacted*, That said railroad company shall have power to consolidate its road with any railroad in the

Incorporating the Blue Ridge and Atlantic Railroad Company.

State of Georgia as it may deem to its best interest; *Provided*, Consolidation with other roads.
that said consolidation shall not have the effect or be intended to have the effect to encourage monopoly or defeat or lessen competition.

SEC. XII. *Be it further enacted*, That this charter shall be null and void in the hands of any transferee or transferees if the franchises herein granted shall be sold or transferred before ten miles of said railway herein provided for shall have been fully completed and equipped with rolling stock sufficient for the purposes of transportation of freight and passengers; and *provided further*, that the location of the railroad herein provided for shall be at least ten miles from the road-bed of any other railroad now chartered, nothing herein being considered to prohibit a nearer approach when absolutely necessary to reach a terminal point; and *provided further*, that this charter shall be null and void if work on the road herein provided for shall not have been commenced in good faith within five years from date of approval of the same by the Executive of this State. Forfeiture of charter. Distance from other roads. When construction must begin.

SEC. XIII. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

Approved October 24, 1887.

INCORPORATING THE BLUE RIDGE AND ATLANTIC RAILROAD COMPANY.

No. 552.

An Act to incorporate the Blue Ridge and Atlantic Railroad Company, and to define its rights, powers and privileges, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That W. B. Thomas, James White, William Fleming, G. H. Yancy, A. H. Hodgson and C. G. Talmadge, and their associates, successors and assigns, be, and they are hereby incorporated and made a body corporate and politic, under the name and style of "The Blue Ridge and Atlantic Railroad Company," and by that name they shall have continuous succession, and shall be able and capable to contract and be contracted with, to sue and be sued, to plead and be impleaded; and may have and use a common seal, and the same at will may alter; may make, change and repeal by-laws, and shall have all the power, facilities, franchises and rights necessary or proper to success- Corporations. Corporate name. General powers.

Incorporating the Blue Ridge and Atlantic Railroad Company.

fully accomplish and maintain the objects of its incorporation; it may purchase, condemn and acquire such rights-of-way as may be necessary or proper, as hereinafter provided, and may acquire by purchase such real estate as it may deem proper, and shall have power to issue scrip for stock, borrow money, issue bonds and secure the same by mortgages or deeds of trust.

Route. SEC. II. *Be it further enacted by the authority aforesaid,* That said corporation shall have power and authority to construct, build, own, equip, operate and maintain a railroad from a point on the North Carolina line near Rabun Gap, or if they should think it more desirable and practicable, some other point on said line, either in the county of Rabun or the county of Towns, to some point on the Atlantic coast at or near Savannah, in the county of Screven, by such route as to said corporation may seem desirable and practicable through the counties of Towns, Habersham, Rabun, White, Hall, Banks, Jackson, Madison, Clarke, or such of them or such other counties as the route selected may traverse.

Capital stock. SEC. III. *Be it further enacted by the authority aforesaid,* That the capital stock of said company shall not exceed one million dollars, which shall be divided into shares of one hundred dollars each, and one hundred thousand dollars thereof shall be paid in cash before the said corporation shall be authorized to exercise the powers hereinafter conferred.

Vote of stockholders. SEC. IV. *Be it further enacted by the authority aforesaid,* That in all meetings of the stockholders of said company, each share of stock shall entitle the holder to one vote to be given in person or by proxy, and said shares shall be considered as personal property, and to be transferable only on the books of said company in such manner as shall be provided in the by-laws.

Transfers of stock. SEC. V. *Be it further enacted by the authority aforesaid,* That the books of subscription to the capital stock of said corporation shall be first opened by the persons named in the first section of this Act, or a majority of them, acting in person or by proxy, in such place or places, and on such day or days as said persons, or a majority of them may deem expedient, and all subscriptions to said capital stock shall be paid in cash, or that which such persons may agree to accept, or its equivalent, in such installments as shall be called for by the board of directors.

Stock subscriptions. SEC. VI. *Be it further enacted by the authority aforesaid,* That in the event of any of the subscribers at any time to the capital stock of said corporation shall fail to pay any installment or installments which may be required by the board of directors, on the capital stock subscribed for, or held in his, her, its or their name, then the said board of directors shall have power to declare

Failure to pay.

Incorporating the Blue Ridge and Atlantic Railroad Company.

said capital stock and all previous installments paid on it forfeited to said corporation, and said defaulting subscriber or subscribers shall be thenceforth debarred against all rights of recovery from said corporation for the stock so forfeited: *Provided*, that said board of directors, shall, before the said forfeiture, give to said delinquent subscriber or subscribers, at least ninety (90) days published or written notice.

SEC. VII. *Be it further enacted by the authority aforesaid*, That the affairs of said corporation shall be managed by the persons named in the first section of this Act until permanent directors are elected, as hereinafter provided, and in the case of the death or refusal to act of one or more of said persons as director or directors, the remaining persons shall have power to elect other persons as directors for the time being to act in his or their stead. Provisional directors.

SEC. VIII. *Be it further enacted by the authority aforesaid*, That the provisional board of directors authorized to act by the preceding section of this Act shall, so soon after the passage of this Act as shall seem expedient to them, call a meeting of the subscribers or stockholders of said corporation to be held in Athens, which meeting when held and assembled shall proceed to elect a permanent board of directors, a majority of the stock voting being necessary to a choice. First meeting of stockholders.
Election of directors.

SEC. IX. *Be it further enacted by the authority aforesaid*, That the affairs of said corporation shall be managed by a board of directors to consist, unless enlarged as herein provided, of seven persons, of whom a quorum shall be fixed by the by-laws. Said directors shall be elected annually by the stockholders, on such day and time, and on such published notice as may be fixed by the by-laws; *Provided*, that at least thirty days notice of all meetings of the stockholders of said corporation shall be given by one or more publications in some paper published in the city of Athens. At all elections and meetings of the stockholders, each stockholder shall be entitled to cast, either in person or by proxy, one vote for every share of the capital stock owned or held by him, her, it, or them, either in person or as guardian, executor, administrator or trustee. Said board of directors shall elect one of their number president, a majority of the votes being necessary to a choice, and such president shall have such power and authority, and shall perform such duties as may be provided by the by-laws. Said directors shall continue in office until their successors are elected and installed in office. The board of directors shall have power and authority to establish, alter and amend all such by-laws, rules and regulations, not in conflict with the Constitution and laws of this State or of the United States, as they may deem necessary or advantageous for the government of said corporation or the management of its business, and to appoint Permanent directors.
Vote of stockholders.
President.
Terms of office
By-laws, etc.

Incorporating the Blue Ridge and Atlantic Railroad Company.

Officers, etc.	all subordinate officers, agents, attorneys and servants of said corporation necessary and proper for the management of its affairs, and to remove same at pleasure. They shall have authority to fill all vacancies in the board of directors or in the offices of said company by death, resignation or otherwise. The board of directors shall have authority to enlarge the number of its members from time to time so that the same may consist of not exceeding thirteen members. They shall have power to call in from time to time, as they may deem proper, such installments of the capital stock of said corporation as may remain unpaid from time to time, and at any time, and to receive cash or what they may consider its equivalent in payment thereof. They shall have authority to manage and conduct all of the business of the corporation of every kind ; to make contracts, to borrow money, to make notes or other evidences of debt ; to issue bonds at any time, and from time to time, as, in their judgment, the exigencies of the company may require, and to execute any deed or deeds of mortgage or any deed or deeds of trust or security for the fulfillment by said corporation of its contracts, obligations or liabilities of any and every kind. They shall have authority to lease, purchase, build or contract for, and to own, use, hold or enjoy any such steamships, steam vessels, sloops, schooners or sailing vessels of any and every kind, and barges or vehicles for water transportation of any kind they may deem necessary or beneficial for said corporation or its business, or to enable it successfully to compete with any other company or persons, and they may lease wharves, docks, dock-yards, yards, compresses, warehouses or elevators as they may deem necessary and proper.
Vacancies.	
Increase.	
Stock as- essments.	
General powers of directors.	
May have and use steam- ships, etc.	
Wharves, etc.	

Purchase, etc., of stock in other roads.	SEC. X. <i>Be it further enacted by the authority aforesaid,</i> That said corporation may, through its board of directors, purchase or acquire and own stock in any other corporation, and may, by a majority vote of its stockholders, unite or consolidate with any other company or corporation, or any other railroad company may be united or consolidated with this company, lease or build any other railroad, lease or sell its own road or any part thereof, and shall have power to make any and all contracts necessary and proper to carry out the provisions of this section ; <i>Provided,</i> that such contracts, purchases, leases, or sales do not have or be not intended to have the effect of diminishing competition, or does not conflict with the Constitution and laws of this State or of the United States.
Consolidation, etc., with other roads.	
Proviso.	

Crossing other roads, etc.	SEC. XI. <i>Be it further enacted by the authority aforesaid,</i> That said corporation is hereby invested with all and singular, the rights, powers and authority, which are necessary or proper to enable it to locate, construct, use, enjoy, equip and maintain its said railroad from the said North Carolina line to the Atlantic coast, as aforesaid, and such other extensions or franchises or both as hereinbefore authorized, and said corporation may also cross any other railroad or railroads in this State, and may run across any
----------------------------------	--

Incorporating the Blue Ridge and Atlantic Railway Company.

part of any other railroad or railroads, or over its or their right-of-way necessary or proper to reach its freight depot, or the general or union or common passenger depot in any city through which or near which its said railroad may run ; *Provided*, said corporation acquires the right to run over the right-of-way of such part of any such railroad as may be necessary or proper as aforesaid by contract, lease, purchase, condemnation or otherwise, and in the event said corporation does not acquire such rights to run over the right-of-way of any other railroad or railroads, by contract, lease, purchase or other arrangement, then, and in that case, said corporation may acquire such right by condemnation as provided in this charter ; *Provided*, it shall not have any power to condemn more than three miles of the right-of-way of any one railroad company, and it shall not have authority to condemn it for any other purpose than to reach the general or union, or common passenger depot, or to reach a point where its own freight or passenger depot would be as eligible and accessible to the public as that of the other railroads coming to said city or cities so that the public may have the full benefit of all competition between said railroads, and said corporation shall have authority to connect its tracks with the tracks of the other railroads in such cities, and to lay out side tracks, switches and other means as are necessary to connect with such roads, or to all the depots aforesaid.

Proviso.

Condemnation.

Connection with other roads, etc..

SEC. XII. *Be it further enacted by the authority aforesaid*, That said company shall have power to purchase and hold in fee-simple, to them and their successors, or to receive as donations, any lands, tenements or hereditaments that it may find necessary, and also to purchase and hold any lands contiguous to said railroad that may be necessary in procuring materials for constructing and opening said road, and for the erection of toll houses, storehouses and all of the other buildings or accommodations that may be necessary and useful to said railroad and the business thereof. Said company shall have power to build its railroad through the cities and towns at its terminus, and along its route and to cross the public highways : *Provided*, that the use of the streets and highways by the public in a reasonable and proper manner is not interfered with by such location of said railroad, and in all cases in which any controversy or difficulty may arise between individuals or corporations and said company, as to the right-of-way on lands, and all necessary privileges on water courses that may lie on or across the route of said road, it shall and may be lawful for either to apply to the sheriff of the county in which such land or water privileges may be located, who shall summon a jury of five free-holders to enter upon the land or water privilege sought to be appropriated to the said company, and to take said controversy into consideration, and award in writing the

Property rights.

Power as to streets, etc.

Disputed rights-of-way.

Incorporating the Blue Ridge and Atlantic Railway Company.

amount of damages, if any, to be paid by said company; written notice of the time of meeting of said free-holders shall be served upon the other party at least ten days before such meeting; said jury shall be sworn, in addition to the usual oath, to take into account the prospective value of the land through which said road may run, and to hear evidence touching the same, but in no case shall the damages awarded be less than the actual value of the land or water privileges taken by said railroad company. The oath may be administered by said sheriff, and he shall attend said jury in their investigations. Either party to the controversy, if dissatisfied with the award, may appeal to the Superior Court of said county, under the same rules and regulations that apply to appeals in said court in force at the time, and in cases where an appeal may be entered by said company, if said company files with the clerk a good and sufficient bond for the payment of the eventual condemnation money, then it shall have the right to proceed with the construction of its railroad without let or hindrance; in cases where any party in interest is a minor, or lunatic, or idiot, and has no guardian, then notice may be served upon the Ordinary of said county, who shall represent such minor, idiot or lunatic, and shall receive such sums as may be found due, and cause the same to be invested; and should the interest of any non-resident of this State be affected by the proceedings provided for in this section, their publication once in the newspaper in which the sheriff's advertisements in said county are published shall be sufficient service; *Provided*, such publication is made at least ten days before the meeting of said jury; and upon payment by said company of such damages as may be finally awarded, the fee-simple title to such lands or water courses as may be necessary for its purposes shall vest in said company.

Forfeiture
of charter.

SEC. XIII. *Be it further enacted*, That all the powers hereby granted shall be void, unless said company shall, within five (5) years from the passage of this Act, actually commence and *bona fide* carry on the construction of this road.

Distance
from other
roads.

SEC. XIV. *Be it further enacted*, That the general direction and location of said Blue Ridge and Atlantic Railroad shall be at least ten miles from any railroad heretofore constructed, except for a distance of ten miles of the city of Athens.

Transfer of
charter.

SEC. XV. *Be it further enacted*, That if this charter shall be transferred or assigned before ten miles of the road in a continuous line shall have been fully graded, ironed and equipped, this charter shall be null and void, without a judgment of forfeiture.

SEC. XVI. *Be it further enacted by the authority aforesaid*, That all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

Approved October 24th, 1887.

Incorporating the Albany, Cuthbert, Birmingham and Western Railroad Company.

INCORPORATING THE ALBANY, CUTHBERT, BIRMINGHAM AND
WESTERN RAILROAD COMPANY.

No. 553.

An Act to incorporate The Albany, Cuthbert, Birmingham and Western Railroad Company, and to grant certain powers and privileges ; to authorize said road to consolidate its road with any other road incorporated in the States of Georgia, Alabama and Tennessee, or to lease, purchase and operate the same.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, that Richard Hobbs, D. H. Pope, J. G. Stephens, H. M. McIntosh, W. D. Kiddoo and John A. Davis, or a majority of them, are hereby constituted a body corporate and politic by the name and style of The Albany, Cuthbert, Birmingham and Western Railroad Company, and shall be capable in law to sue and be sued, implead and be impleaded, contract and be contracted with, purchase, receive, have, hold, use, possess and enjoy, real and personal property which they may deem necessary and proper for the use of said railroad company.

Corporators.
Corporate name.
General powers.

SEC. II. *Be it further enacted,* That the capital stock of said railroad company shall be divided into shares of one hundred dollars each, and shall not exceed the sum of one million dollars.

Capital stock.

SEC. III. *Be it further enacted,* That when the sum of fifty thousand dollars shall have been subscribed to the capital stock of said company, the corporators, or a majority of them, shall, by publication in some public newspaper, give twenty days' notice of a meeting of the subscribers to the capital stock of said company, to be held at such place as may be designated in said notice, for the purpose of electing from their own number a board of not less than five directors to manage and control the business of said company, for one year and until their successors are elected and qualified, and such board of directors, as well as the boards of directors that may be thereafter elected, shall select from its own number a president, and shall have power to make and adopt by-laws for the government and control of the board and company, and to appoint and employ such officers, agents and servants as may be deemed proper by the board of directors.

First meeting of stockholders.
Election of directors.
President.
By-laws. Officers, etc.

SEC. IV. *Be it further enacted,* That in the election herein provided for, each subscriber to the capital stock of said company

Incorporating the Albany, Cuthbert, Birmingham and Western Railroad Company.

Vote of stockholders. shall be entitled to one vote for each share subscribed by him or her, or which he or she may represent as proxy, by power of attorney, upon which ten per cent. has been paid.

Route. SEC. V. *Be it further enacted,* That said company shall have power to construct, maintain, equip, build, establish, and operate and use a railroad from Albany, Georgia, in the county of Dougherty, in said State, through the following counties: Dougherty, Calhoun, Terrell and Randolph, to Cuthbert, in the county of Randolph and said State, and from Albany, in said county of Dougherty, up the eastern side of Flint River, through the counties of Dougherty, Worth and Dooly, to Gum Creek, so as to intersect or join any railroad or roads that may be built or operated in said county of Dooly, as the said board of directors of said company may deem most to the interest of said company, and that the right-of-way of said company shall not exceed two hundred feet.

Width of right-of-way.

Permanent directors. SEC. VI. *Be it further enacted,* That when said corporators have complied with the requirements set forth, and an election for a board of directors shall have been held, as provided for in this Act, the books of subscription to the capital stock of said company, together with all other books and papers appertaining to the business of said company, shall be turned over to said board of directors, and said company and its successors shall be deemed, held and considered a body corporate and politic, under the name and style of the Albany, Cuthbert, Birmingham and Western Railroad Company, with perpetual succession, and the rights, powers and privileges usual and necessary to such corporation, and said company shall have power to accept, purchase, lease, have, hold and convey any property, real or personal, or mixed, and to erect such buildings, machinery and shops as may be necessary and proper for the working of said railroad, or the roads which said company may purchase, lease or operate as fully and completely as said leased or purchased roads are now doing, by virtue of their respective charters or any future charters, or amendments thereto, that may be granted them.

Property rights. Buildings, etc.

Disputed rights of-way. SEC. VII. *Be it further enacted,* That in the event said company, and the owner of any land, through which said company desires to build its road, whether said lands be in the hands of the owner, or as a trustee, executor, administrator, or guardian, or in the hands of a body corporate, under the laws of this State, as right-of-way of a railroad, which has lain unoccupied and abandoned for the term of ten years, before the passage of this Act, cannot agree upon the price to be paid therefor, then either party may apply to the sheriff of the county in which the land lies, to summon a jury of five disinterested freeholders, of said county,

Incorporating the Albany, Cuthbert, Birmingham and Western Railroad Company.

who shall go where the land required is situated, and examine the land and such witnesses as the parties desire, and assess the damages, and the jury trying said case shall be sworn to well and truly try the issue involved, and also to take into account the benefit accruing to said land, and the business of the owner thereof, and in the case of corporations the cumulation or prospective benefit which the building of this road may be to that now operated by said corporations, by reason of the building and operating of said railroad, but in no case shall the jury give a verdict for less than the cash value of the land, and the improvements and work done thereon, to be taken, but shall be a just compensation for the same. The party moving shall in all cases give to the opposite party ten days' notice of the time and place of trial, service on trustees, guardians, to be made personally, other owners either personally or by leaving a copy at his, her or their most notorious place of abode, and in case of minors without guardians, as is provided by the code of Georgia. In the case of corporations, notice on the general manager or superintendent residing in the State of Georgia shall be held, taken and considered sufficient in law; and either party shall have the right to enter an appeal to the Superior Court of the county by complying with the law in relation to appeals, to the Superior Courts; the sheriff shall have for his services the sum of five dollars for each case tried, and the jury each, one dollar for each day they may serve; the sheriff and his deputies shall have power to swear said jurors and all witnesses, in all such cases, and when the assessment made shall be paid, then the title to the land shall vest in said company, and said company shall have the power to receive land, or right-of-way or other property, as payment in whole or in part of the subscription to its capital stock at such valuation as may be agreed on between the parties. Payments for stock.

SEC. VIII. *Be it further enacted*, That said company shall have power and authority to consolidate its road and franchise with any other railroad company or companies now or hereafter incorporated by the laws of this State, the State of Alabama or Tennessee, on such terms as may be agreed upon by them; *Provided*, competition is not lessened thereby. Consolidation with other roads.

SEC. IX. *Be it further enacted*, That said company shall have the power and authority to purchase or lease from the owner thereof the Brunswick and Western Railroad, together with all of its properties and franchises, and operate the same under the same rights and privileges now enjoyed by said Brunswick and Western Railroad Company, and that said company shall be authorized to issue bonds for the amount that may be agreed on between said company and the owners of said Brunswick and May purchase Brunswick and Western Railroad Company, etc.
Bonds, etc.

Incorporating the Carrollton, Marietta and Western Railway Company.

Repairs,
etc.

Western Railroad, and secure the same by first mortgage on said purchased or leased road for such sum or sums as the parties may agree on, and that if such purchase or lease is effected, the said Brunswick and Western Railroad shall be so repaired and equipped to enable it to transport safely the passengers and freight now and hereafter offered to it under the laws of this State.

Compensa-
tion for
property
condemn-
ed.

SEC. X. *Be it further enacted*, That before any property condemned under the provisions of this charter can be used or occupied by the railroad company just and reasonable compensation must be paid therefor to the owner or owners thereof.

Forfeiture
of charter.

SEC. XI. *Be it further enacted*, If the corporators fail within five years from the grant of this charter, to grade, equip, and provide with sufficient rolling stock, ten miles of the said road in addition to any road-bed they may acquire already graded, or if the corporators shall assign or attempt to assign or transfer this charter before this is done, then this charter to be null and void, without a judgment of forfeiture, as a penalty for non-compliance with the provisions set forth in this section.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24th, 1887.

INCORPORATING THE CARROLLTON, MARIETTA AND WESTERN RAILWAY COMPANY:

No. 554.

An Act to incorporate the Carrollton, Marietta and Western Railway Company and to authorize said company to build and operate its road from the city of Carrollton in Carroll county, this State, to the city of Marietta, in the county of Cobb, in this State, and to grant certain powers and privileges to the same, and for other purposes.

Corpora-
tors.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That for the purpose of constructing a railroad as set forth in this Act, T. W. West, James A. Rhudy, Jesse Y. Blalock, Leon P. Mandeville and Joseph A. McCord, of the county of Carroll, and J. M. Watson and W. A. James, of Douglas county, and W. J. Winn and Geo. T. Gober, of the county of Cobb, their associates and assigns, be, and they are hereby declared to be a body cor-

Incorporating the Carrollton, Marietta and Western Railway Company.

porate and politic, by the name of the "Carrollton, Marietta and Western Railway Company," and shall be capable in law to sue and be sued, plead and be impleaded, contract and be contracted with, purchase, receive, have, hold, use and possess and enjoy real and personal property which they may deem necessary and proper for the use of said railroad company; "Provided, this charter shall be null and void unless as much as ten (10) miles of said railroad shall be constructed, equipped and ready for operation within five years from the date of the grant of this charter." Corporate name. General powers. Forfeiture of charter.

SEC. II. *Be it further enacted*, That the capital stock of said railway company shall be divided into shares of one hundred (\$100) dollars each, and shall not exceed the sum one million (\$1,000,000) dollars. Capital stock.

SEC. III. *Be it further enacted*, That when the sum of fifty thousand (\$50,000) dollars shall have been subscribed to the capital stock of said company, the incorporators or a majority of them, shall, by notice in a public gazette published in the city of Carrollton, for ten (10) days, call a meeting of the stockholders or subscribers to the capital stock of said company, to be held in the city of Carrollton, for the purpose of electing from their number a board of directors of not less than five (5) nor more than seven (7), to manage and control the business of said company for one (1) year, and until their successors are elected and installed, and said board of directors, as well as all subsequent boards of directors, shall select from its own number a president, and shall have power to make and adopt by-laws for the board and said company, and to appoint and employ such officers, agents and servants as may be deemed necessary and proper by said board of directors. First meeting of stockholders. Election of directors. President. By-laws. Officers.

SEC. IV. *Be it further enacted*, That in the election hereinbefore provided for each subscriber to the capital stock of said company shall be entitled to one vote for each share of stock subscribed by him or her, or which he or she may represent as proxy or by power of attorney, upon which ten (10) per cent has been paid; *Provided*, all calls or assessments on said share made by the board of directors has been met or paid. Vote of stockholders.

SEC. V. *Be it further enacted*, That when said incorporators have complied with the requirements set forth, and directors have been elected, the entire business and management of the affairs of said company and books of subscription shall be turned over to said board; "Provided, that before any property can be taken under this Act by condemnation just and reasonable compensation therefor must be first paid the owner." Management. Compensation for property condemned.

SEC. VI. *Be it further enacted*, That when the board of direc-

Incorporating the Carrollton, Marietta and Western Railway Company.

tors shall have been elected, they and their associates and successors shall be deemed and held a body corporate and politic under the name and style of the Carrollton, Marietta and Western Railway company, with continuous succession, and the rights, powers, privileges usual and necessary to such a corporation, for fifty (50) years; "*Provided*, said charter shall not be transferable until as much as ten (10) miles of the road-bed is graded, equipped and ready for operation;" *Provided*, that said company shall not have the right to make any contract, agreement, sale or consolidation to or with any other railroad company which may have the effect or be intended to have the effect of defeating or lessening competition or encouraging monopoly.

Term of charter. Transfer of.

Competition.

Route.

Property rights.

Distance from other roads.

Disputed rights-of-way.

Provisional directors.

SEC. VII. *Be it further enacted*, That the company shall have power to survey, locate, construct, make, build, maintain, equip, use and operate a railroad from Marietta, in the county of Cobb, this State, through the counties of Cobb, Douglas, Paulding, Carroll and Heard, this State, either or all, to connect or cross any other railroad already built, and shall have power to accept, purchase, lease, have and hold and convey all property, real or personal, or mixed, and to erect such buildings, depots and shops, operate such machinery and do such other things as it may deem necessary and proper for its advantage and benefit; *Provided*, the general direction and location of said railroad shall be at least ten miles from any railroad already constructed, but this proviso shall not be construed to refer to any point within ten (10) miles of either terminus of any other railroad.

SEC. VIII. *Be it further enacted*, That where a question of rights-of-way arises, and the company cannot agree with the owner or representative of the land upon which it is proposed to enter, the sheriff of the county in which the land lies at the request of either party, shall summons five (5) disinterested free holders of said county, who shall assess the damages to be paid by said company, and who shall be sworn to do justice impartially between the parties, which assessment shall be final, unless an appeal be entered to the Superior Court of said county within four (4) days, which may be done by complying with the law of appeals to the Superior Court; *Provided*, said appeal or any other legal proceeding shall not delay the construction of said Carrollton, Marietta and Western Railway. Each party shall be entitled to ten (10) days notice of time and place of hearing by the sheriff, unless the same be waived.

SEC. IX. *Be it further enacted*, That until the board of directors be chosen, a majority of the incorporators may do any and all things needful to the carrying on the affairs of the company.

SEC. X. *Be it further enacted*, That said company may con-

Incorporating the Lookout Mountain, Lula Lake and Gadsden Railroad Company.

tract loans, borrow money, mortgage its property, real and personal, and the franchise, and do any and every act necessary to its interest and advantage not inconsistent with the laws of Georgia. Borrowing money, etc.

SEC. XI. *Be it further enacted*, That in case of the failure of said company the stockholders shall be bound in their private capacity to the creditors of said corporation only to the amount of their unpaid subscription, if any be unpaid, or if said stockholders have paid debts of the company to the amount of his subscription unpaid, then he shall not be liable. Liability of stockholders.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24th, 1887.

INCORPORATING THE LOOKOUT MOUNTAIN, LULA LAKE AND GADSDEN RAILROAD COMPANY.

No. 556.

An Act to incorporate the Lookout Mountain, Lula Lake and Gadsden Railroad Company, and for other purposes therein mentioned.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met*, That D. F. McClatchey, B. L. Gaulding, W. R. Rowles, W. P. McClatchey and John T. Stiff, or a majority of them, are hereby constituted a board of commissioners for the purpose of organizing the Lookout Mountain, Lula Lake and Gadsden Railroad Company. Corporators. Corporate name.

SEC. II. *Be it enacted by the authority aforesaid*, That the capital stock of said company shall be divided into shares of one hundred dollars each, and shall not exceed five hundred thousand dollars. Capital stock.

SEC. III. *Be it further enacted by the authority aforesaid*, That said board of commissioners are hereby authorized and required, when the sum of one hundred thousand dollars shall have been subscribed to the capital stock of said company, to convene the subscribers to the same, or a majority of them, for the purpose of electing from their own number a board of five directors to manage and control the affairs of said company for one year, or until their successors are elected and installed, and said board of directors, as well as all other boards which may hereafter be elected, shall elect from its own number a president, and have power to adopt by-laws for its own control and the control of said com- First meeting of stockholders. Directors. President.

Incorporating the Lookout Mountain, Lula Lake and Gadsden Railroad Company.

By-laws.
Officers,
etc.

pany, and to appoint and employ such officers, agents and servants as it may deem proper.

Vote of
stockhold-
ers.

SEC. IV. *Be it further enacted by the authority aforesaid,* That in the election heretofore provided for, each subscriber to the capital stock of said company shall be entitled to one vote for each share subscribed by him or her, or which he or she may represent by power of attorney, and, in all elections thereafter, each person shall only be entitled to one vote for each share of the capital stock of said company, which she or he may own or represent by power of attorney, upon which five per cent. has been paid; *Provided*, no one shall be excluded from voting if the five per cent. has not been called for.

Books,
etc., to be
turned
over to
permanent
directors.

SEC. V. *Be it further enacted by the authority aforesaid,* That when said board of commissioners shall have complied with the requirements set forth, and an election for a board of directors shall have been held as provided for in section third of this Act, the books of subscription to the capital stock of said company, together with all other books and papers appertaining to the business of said company, shall be turned over to the board of directors, and functions of said board of commissioners shall cease and determine.

General
powers.

SEC. VI. *Be it enacted by the authority aforesaid,* That when the subscribers to the capital stock of said company shall have convened and elected a board of directors under the provisions of section third of this Act, they, their associates and successors, shall be deemed, held and considered as a body, corporate and politic, under the name and style of the Lookout Mountain, Lula Lake and Gadsden Railroad Company, with perpetual succession, and all the rights, powers, privileges and liabilities common and necessary to such a corporation, and the organization of said company shall be complete.

Route.

SEC. VII. *Be it further enacted by the authority aforesaid,* That said company shall have power to construct, maintain, equip and use a railroad from a point on the Tennessee line on top of Lookout Mountain, and as near Lookout Point as practicable, in Walker county, Georgia, along the top of said mountain through Walker county to Lula lake, or as near said lake as practicable, through Dade county, as near as practicable to Dillon, to the Alabama line, or along such route as said company may determine upon leading from the Tennessee line, near Lookout Point, to such point as they may select on the Alabama line in Dade county.

Consolidation,
etc.,
with other
roads.

SEC. VIII. *Be it enacted by the authority aforesaid,* That in consideration of the difficulties in building a railroad on Lookout Mountain, and of the further fact that no survey has yet been made as to the practicability of the different routes, said railroad company is hereby authorized to unite and consolidate with any other railroad company or companies heretofore chartered, or

Incorporating the Lookout Mountain, Lula Lake and Gadsden Railroad Company.

which may be chartered, upon such terms as may be agreed to by said company, and said companies when so united and consolidated shall form one company, and shall have the rights, powers, privileges, benefits, advantages and aids to which either and all of said companies are entitled under their respective charters, and shall be subject to all the liabilities, disabilities, qualifications and restrictions imposed by any Act of the Legislature of this State upon either and all of said companies prior to such consolidation; and said companies so consolidated and united may adopt and use the name of either of said companies as it existed prior to the consolidation, and in that name may receive, have and exercise all the rights, benefits, advantages and aids to which either and all of said companies were by law entitled prior to the consolidation, and shall be subject to all the liabilities, restrictions and disabilities, including debts liens and mortgages to which either was liable prior to the consolidation; but nothing in this section shall be so construed as to vest in said consolidated roads any greater benefit than the said roads have by their original charters and amendments thereto.

SEC. IX. *Be it further enacted*, That each stockholder of said company shall be liable for the corporation debts to the extent of his unpaid capital stock. Liability of stockholders.

SEC. X. *Be it further enacted*, That said company shall have power to accept, purchase, have, lease and convey any property, real or personal, and to erect such buildings and shops, operate such machinery, and do such other things as it may deem proper for its advantage and benefit. That the right-of-way of said company shall not exceed two hundred feet in width, and that in all cases where a question of right-of-way arises and the company cannot agree with the owner or representative of the land upon which it is proposed to enter, the work of the company may proceed as if there was no disagreement; but in such event, the sheriff of the county in which said land is located, at the request of either party, shall summon a jury of five disinterested freeholders of said county, who shall assess the damage to be paid by said company after being sworn to take into consideration the enhanced value of said land from the building of said road and to do justice between the parties, and the finding of said jury shall be final and conclusive against both parties; *Provided*, each has received from said sheriff ten days notice of the time and place of meeting of said jury, and neither party appeals to the Superior Court in ten days thereafter, but in no case shall the assessed damages be less than the actual value of the property condemned. Property rights.
Right-of-way Disputed right-of-way.

SEC. XI. *Be it enacted by the authority aforesaid*, That said company shall have power to receive land or other property in payment or part payment of the subscription to its capital stock, and such valuation as may be agreed upon or may be assessed by Payments for stock.

Incorporating the Thomasville and Northern Railway Company.

Forfeiture
of charter.

three freeholders under such rules and regulations as may be adopted by it, and to mortgage, lease, sell or otherwise dispose of said land as shall be deemed most advantageous to the interests of said company; *Provided*, that unless said company construct and operate at least ten miles of said railroad within five years, all privileges and grants herein enumerated shall be null and void.

SEC. XII *Be it enacted by the authority aforesaid*, That all laws and parts of laws conflicting with this Act are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE THOMASVILLE AND NORTHERN RAILWAY COMPANY.

No. 564.

An Act to incorporate the Thomasville and Northern Railway Company, and for other purposes.

Corpora-
tors.

SECTION I. *Be it enacted*, That Robert G. Mitchell, William R. Pittman, Thos. E. Blackshear, W. H. Mitchell, A. T. McIntyre, jr., J. W. R. McIntyre, K. T. McLean, C. H. Williams, and J. W. Reid, of Thomas county, and Robt. Beardon, and J. B. Norman, of Colquitt county, and H. B. Peebles, of Berrien county, and John A. Henderson, of Leon county, Florida, or a majority of them, and such others as shall be associated under said name, shall be, and are hereby incorporated and made a body politic, with all the rights and privileges common and necessary to such a corporation, under the name and style of the Thomasville and Northern Railway Company.

Corporate
name.

Route.

SEC. II. *Be it further enacted by the authority of the same*. That said company be authorized to build a railway from Thomasville, in the county of Thomas, to the Florida line at any point on said line of the State of Florida, east of the Chattahoochee river, and west of the Withlacoochie river; also from Thomasville north to intersect the Brunswick and Western Railroad at some point in the counties of Worth, or Berrien, and thence to intersect the East Tennessee and Virginia Road, and thence northwards to some points on the Central Railroad. Said company shall have the right to take, hold and use for the purposes, and within and according to the provisions of this Act, such land, not exceeding two hundred (200) feet in width, as may be necessary for its right-of-way, sidings, depots, etc., and it is authorized, for procuring stock in the same, to open books and procure subscriptions of

Right-of-
way.

Incorporating the Thomasville and Northern Railway Company.

stock at the rate of one hundred (100) dollars a share, at such time and places as may be thought proper; to elect or appoint all necessary officers, agents and servants, to borrow money, make contracts, hold real and personal estate, sue and be sued, and use a common seal. Stock sub-
scriptions.
Officers,
etc.
Borrowing
money,
etc.

SEC. III. *Be it further enacted by the authority of the same,* That in all cases where a question of right-of-way may arise and the company and the land-owner or owners be unable to agree, the matter in controversy shall be submitted to arbitration, under the law regulating arbitration in the Code of Georgia, but if either party shall fail or refuse to choose an arbitrator the Ordinary of the county where such land lies shall make a choice for such party. The two arbitrators thus chosen shall choose a third and the award by them shall be made in writing, filed in the Clerk's office of the Superior Court of the county where the land lies, and this award shall be final, unless attacked in the manner and on the ground prescribed in the Code. If the award is set aside the cause shall remain in court and an issue shall be formed and tried, as though the cause had been originally brought in court, and the arbitrators as well as the jury shall, in addition to the usual oath, be sworn in assessing damages to take into account the enhanced value of the land from the location of the road on the premises; *Provided*, that the damages shall not be less than the actual value of the land so taken. Disputed
right-of-
way.

SEC. IV. *Be it further enacted, etc.,* That the corporators herein named shall be *ex officio* directors until their successors are elected under the by-laws of such company. Provision-
al direc-
tors.

SEC. V. *Be it further enacted, etc.,* That said company shall have full power to pass all by-laws and regulations necessary to carry out the objects of said company not inconsistent with the laws of the State of Georgia and the United States. By-laws,
etc.

SEC. VI. *Be it further enacted, etc.,* That the capital stock of said company shall not exceed two million (\$2,000,000) dollars, part of which may be issued as preferred stock. Capital
stock.

SEC. VII. *Be it further enacted, etc.,* That said Thomasville and Northern Railway Company is hereby incorporated for the term of fifty (50) years. Term of
charter.

SEC. VIII. *Be it further enacted, etc.,* That until at least ten miles of said railroad are graded, ironed and furnished with rolling stock any transfer of this charter shall be null and void, and unless ten miles or more are graded, ironed and furnished with rolling stock within five years from the date of the approval of this Act, this charter shall be null and void without a judgment of forfeiture. Forfeiture
of.

SEC. IX. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE ATLANTA CITY AND SUBURBAN STREET RAILWAY COMPANY.

No. 568.

An Act to incorporate the Atlanta City and Suburban Street Railway Company ; to define its rights, powers and privileges, and for other purposes.

Corpora-
tors.Term.
Name.General
powers.Capital
stock.Stock sub-
scriptions.
Payments.Provision-
al direc-
tors.

SECTION I. *The General Assembly of the State of Georgia do hereby enact*, That J C Kirkpatrick, Z D. Harrison, S. D. Phelan, L. P. Grant, T. L. Cooper, W. L. Calhoun, G. B. Scott, James W. Kirkpatrick and C. M. Candler, all of said State, and their associates and successors and assigns, are hereby incorporated and made a body corporate and politic for the term of fifty years, with right of renewal, under the name of the Atlanta City and Suburban Street Railway Company.

SEC. II. *Be it further enacted*, That said corporation by said name shall have the right and be capable to sue and be sued, to have and use a common seal and to alter and renew the same at pleasure ; to make, alter and repeal any and all by-laws it may deem best, not in conflict with the laws of the State or of the United States ; to make contracts, borrow money, issue bonds, notes or other evidences of debt, and to secure the same by such mortgage or mortgages or deed or deeds of trust as it may deem best, and it may acquire by gift or purchase and receive and hold such property, real, personal or mixed, as it may deem profitable, and it may dispose of all or any part thereof at pleasure. It shall have power to fix, charge and collect such rates of toll for the carriage of persons and property as it may deem proper, and it shall have all the powers, facilities, rights and franchises necessary or proper to successfully accomplish and maintain the objects of its incorporation.

SEC. III. *Be it further enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each, with the right to increase the same from time to time to any sum not exceeding two hundred thousand dollars, but said company may organize and commence business when the sum of five thousand dollars is subscribed to said capital stock. The persons named as incorporators, or a majority of them, may open books of subscription to said capital stock at such time and place or places as they may deem proper ; all subscriptions shall be paid in cash, or that which said persons, or the directors hereinafter provided for, may deem its equivalent, in installments as called for by the board of directors. Said incorporators may exercise all the rights and powers of directors

Incorporating the Atlanta City and Suburban Street Railway Company.

of said company until directors are elected as hereinafter provided.

SEC. IV. *Be it further enacted*, That at the first meeting of the subscribers to said capital stock to be called by said incorporators, a board of not less than seven nor more than thirteen directors shall be elected from the stockholders, a majority of whom shall constitute a quorum; said directors shall hold office for one year and until their successors are elected. They shall elect from their own number a president and a vice-president. There shall be an annual meeting of the stockholders at such time and place as may be named in the by-laws. At such meetings, as well as at special meetings, a majority of all the stockholders present, in person or by proxy, shall constitute a quorum. If at any such meeting a quorum is not present, those present may adjourn to some other time fixed by them for the transaction of such business as may properly come before said meeting, and if no quorum is present at said adjourned meeting, of which the stockholders shall have notice, those present shall have the right to fully act as a meeting of the stockholders of said company. At all stockholders' meetings, each stockholder shall be entitled to one vote for each share of stock owned by him. The board of directors shall have power and authority to manage and conduct the affairs of said company and to prescribe rules for managing and conducting all the business of said company.

Permanent
directors.

President,
etc
Stockhold-
ers' meet-
ings.

Vote of.

Manage-
ment.

SEC. V. *Be it further enacted*, That said corporation shall have full power and authority to survey, lay out, construct, equip, use and enjoy lines or routes of street railroad over and through any street or streets in the city of Atlanta, in said State, not occupied by other street railroad lines, and also from such point or points in said city as may be deemed best to run into or near the village of Edgwood, in said county, and to such point or points in the county of Fulton as may be deemed best, and from such point or points in said county of Fulton into and through the village of Kirkwood and the town of Decatur, in the county of DeKalb, and thence across the Georgia railroad at or near Decatur and returning to Atlanta, if desirable, on the south of said railroad. Said company shall have power to run said street railroad over any public road or roads in the counties of Fulton and DeKalb, so as to reach and enter the towns and places herein mentioned, and to use and enjoy any of the streets or thoroughfares of said towns, villages or city not occupied by other street railroad lines. It may also use horses or mules for drawing its cars, or it may use steam, electricity or any other motive power for drawing said cars now used or known, or that may be hereafter discovered or utilized; *Provided*, that before said company shall have the authority to construct and operate said street railroad as aforesaid, it must obtain the consent of the corporate authorities of the city of Atlanta and of the town of Decatur to construct and operate said

Route.

Motive
power.

Consent of
municipal
authori-
ties.

Incorporating the Great North and South Railway Company.

railroad within the limits of said city and said town of Decatur ; and it must also obtain in like manner the consent of the proper authorities in the counties of Fulton and DeKalb to construct and operate said street railroad over any public road or roads of said counties ; *Provided*, that said company shall not run its cars over any street or streets within said city or villages at a greater rate of speed than ten miles an hour, or over any public road at a greater rate than twelve miles per hour.

Speed.

Right-of-way.

SEC. VI. *Be it further enacted*, That, except over streets and public roads, the entire right-of-way of said railroad shall not exceed sixty feet, and said company shall have full power to cut down any tree or trees near the right-of way that might, in the opinion of said company, endanger its track or cars ; *Provided*, that said company shall pay to the owner of such tree or trees the market value of the same when said tree or trees shall become the property of said company.

Powers of Metropolitan Street Railroad Company granted to this.

SEC. VII. *Be it further enacted*, That all of sections five and six of an Act incorporating the Metropolitan Street Railroad Company, approved December 2nd, 1882, and appearing on page 202 of the published Acts of said State for 1882 and 1883, are hereby made a part of this Act, and the powers and privileges set forth in said section are hereby conferred upon and granted to said company named in the first section of this Act.

Principal office.

SEC. VIII. *Be it further enacted*, That the principal office of said company shall be in the city of Atlanta.

SEC. IX. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE GREAT NORTH AND SOUTH RAILWAY COMPANY.

No. 569.

An Act to incorporate the Great North and South Railway Company, and to define and confer its rights, powers and privileges, and for other purposes.

Corporators.

Name.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same*, That Austin W. Corbin, Wm. E. Simmons, Aaron Haas, J. C. Smith, L. Cohen, W. M. Mickelberry and M. V. Brand, and their associates, successors and assigns, be, and they are hereby incorporated under the name and style of the "Great North and South Railway Company," with continuous succession as a corporation,

Incorporating the Great North and South Railway Company.

and by that name to sue and be sued; plead and be impleaded in the courts of law and equity in this State; to have and use a corporate seal, and alter or destroy the same at pleasure; to make, alter or repeal any by laws for the government of said corporation not repugnant to the laws of this State or the United States; to acquire by gift, grant, lease or purchase, any property, real personal or mixed, and hold and dispose of the same at pleasure, and generally to do any and all acts, not inconsistent with the laws of this State or the United States, for successfully carrying the objects of this Act into full force and effect. General powers.

SEC. II. *Be it further enacted*, That the capital stock of said company shall be two million dollars, with the privilege of increasing the same, by a vote of a majority of the stockholders, for the purpose of building said road, or of purchasing or building extensions or branches thereto, or both, or of paying its debts, to any sum not exceeding ten million dollars. Said capital stock shall be divided into shares of one hundred dollars each. Capital stock.

SEC. III. *Be it further enacted*, That said corporation shall be entitled to commence operations, and exercise and enjoy all the rights, powers, privileges, functions and franchises granted by this charter as soon as the sum of twenty-five thousand dollars has been *bona fide* subscribed on the books of said corporation. Beginning business.

SEC. IV. *Be it further enacted*, That in all meetings of said corporation each share of stock shall entitle the holder thereof to one vote either in person or by proxy, and said shares shall be considered as personal property, and shall be transferable on the books of said corporation in such manner as may be provided for in the by-laws. Vote of stockholders.
Transfers of stock.

SEC. V. *Be it further enacted*, That the affairs of said corporation shall be managed by the persons named in the first section of this Act until permanent directors are elected, and the incorporators named, or a majority, shall have the right to open books of subscription to said capital stock at such place or places as they may deem best, and the subscribers thereto may pay the amount subscribed in money or its equivalent to be determined and accepted by the board of directors, if said directors see proper to accept any other thing of value in lieu of said money. Provisional directors.
Stock subscriptions.

SEC. VI. *Be it further enacted*, That at the first meeting of said subscribers to said stock, to be called by said incorporators at such time and place as they, or a majority of them, may deem best, after giving such notice thereof as they may determine, a board of directors of not less than five nor more than ten shall be selected from the stockholders for the term of one year and until their successors are elected. Said directors shall select from their own number a president and vice-president of said company. They shall also have power to select and appoint any and all such other officers, agents, and employees of said company as Permanent directors.
President and other officers, etc.

Incorporating the Great North and South Railway Company.

Powers of directors. they may deem best, and determine the amount of their compensation, and they shall manage and control the affairs and business of said company, declare and pay dividends when earned, and generally supervise and control the interests of said company.

Meetings of stockholders. There shall also be an annual meeting of the stockholders of said company at its principal office, at which time a board of directors aforesaid shall be elected for one year and until their successors are elected. At all such meetings a majority of the stockholders present, in person or by written proxy, shall constitute a quorum for the transaction of business, but no person, not a stockholder, shall be capable of holding such proxy. A majority of said directors shall constitute a quorum, and whenever any director ceases to be a stockholder, he shall thereupon cease to have any authority as such director, and a vacancy shall at once arise. The board of directors shall have power to fill any vacancy in said board until the meeting of the stockholders held next thereafter; until said directors are elected as aforesaid the incorporators named, or a majority of them, shall exercise all the powers of said directors

Quorum of directors.

Vacancies, etc.

Route. SEC. VII. *Be it further enacted by the authority aforesaid,* That said company shall have full power and authority to survey, lay out, locate, build, construct, equip and operate a main line of railroad from and in the city of Atlanta, in the county of Fulton, said State, to, into and through the counties of Fulton, DeKalb and Gwinnett, by way of Lawrenceville, in said county, and thence through such county or counties in said State as said company may see proper to survey, locate and operate said road to some point on the line of the State of South Carolina, in the county of Elbert, or any adjoining county, and said corporation shall have all the powers, facilities, franchises and rights necessary or proper to successfully accomplish and maintain the objects of its incorporation. It may purchase, condemn and acquire such rights-of-way, not exceeding two hundred feet in width, and terminal facilities and real estate along said line as may be necessary or proper, either for its immediate use or to aid in accomplishing its construction, and it shall have power to issue stock, borrow money, and issue bonds at such time and on such terms as it may deem best, and shall have full power and authority to secure the payment of any money borrowed by mortgage or mortgages, or deed, or deed of trust upon any or all or part of its property and franchises and rights generally; to do any and all things necessary to fully secure the payment of said money; *Provided,* that nothing herein contained shall be construed to authorize the taking of any property, either of individuals or corporations, until adequate compensation has first been paid.

Right-of-way, etc.

Borrowing money, etc.

Payment for property condemned.

Principal office. SEC. VIII. *Be it further enacted by the authority aforesaid,* That the principal office of said company shall be in the city of Atlanta, said State, but it may be removed at an annual meeting by a

Incorporating the Washington Street Railway Company.

two-thirds vote of the stockholders present as aforesaid to any other point within this State. *Be it further enacted by the authority aforesaid,* That section 1689 (l) of the Code of this State (edition of 1882) is hereby made a part of and incorporated into this Act, and all the powers, rights and privileges therein mentioned may be exercised by said company. General railroad law made part of this charter.

SEC. IX. *Be it further enacted by the authority aforesaid,* That said railroad shall not run within ten miles of any railroad already constructed; *Provided,* that this shall not apply within ten miles of either terminus. Distance from other roads.

SEC. X. *Be it further enacted,* That unless at least ten miles of said railroad shall have been constructed and operated within five years from the date of the approval of this Act, all the rights, powers and privileges herein granted shall be null and void without a judgment of forfeiture. Forfeiture.

SEC. XI. *Be it further enacted,* That any transfer of this charter before ten miles or more of the road have been graded, ironed, and furnished with rolling stock shall be null and void. Transfer of charter.

SEC. XII. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE WASHINGTON STREET RAILWAY COMPANY.

No. 571.

An Act to incorporate the Washington Street Railway Company; to define the powers, duties and privileges of said corporation, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That Chas. E. Smith and his associates and successors of Georgia, and assigns be, and they are hereby incorporated and made a body corporate and politic under the name and style of "The Washington Street Railway Company," the corporate authorities of the town of Washington having consented to the granting of this charter. Corporators. Name.

SEC. II. *Be it enacted,* That said corporation by said name shall have continuous succession and shall be able and capable to sue and be sued, to plead and be impleaded unto, and may have and use a common seal and may alter and renew the same at pleasure, and may make, alter and repeal such by-laws governing its own members, officers, attorneys, agents, employees and General powers.

Incorporating the Washington Street Railway Company.

persons dealing or having business with it as it deems proper; *Provided*, said by-laws are not in conflict with the laws of this State or of the United States, and it may make contracts, borrow money, issue bonds, notes and other evidences of debt, and secure the same by mortgages or deeds of trust as it deems proper, and it may acquire, purchase, receive and hold such property, real and personal, as it deems best and most profitable to its purposes and may dispose of any part thereof, not absolutely necessary to the running of its road, at pleasure. It shall have power to fix rates of tolls for the carriage of persons and property and to collect the same, and it shall have all the powers, facilities, rights and franchises necessary or proper to successfully accomplish and maintain the objects of its incorporation.

Routes.

SEC. III. *Be it enacted*, That said corporation shall have full power and authority to survey, lay out, construct, equip, use and enjoy lines of street railroad on all the streets of the town of Washington, except on that portion of Main street which lies between Depot street and Spring street; *Provided*, that the consent of the municipal authorities shall be first obtained before said street shall be so used.

Disputed
right-of-
way.

SEC. IV. *Be it enacted*, That when said company and any person or corporation through or on whose lands it is desired said railroad shall be located and constructed, and buildings, shops and other appurtenances are desired to be located, cannot agree on the amount to be paid by the company for the right-of-way or title to the land desired, then, notwithstanding the disagreement, it shall and may be lawful for said company to construct its railroad over any land belonging to other persons or corporations and across the rights-of-way and tracks of other railroads, upon paying or tendering to the owner thereof, or to his, her or their authorized representative, just and reasonable compensation for the right-of-way or needed land, which compensation, when not agreed on, shall be fixed and determined in the following manner: The company shall choose one person, a citizen of this State, as its assessor, the person or corporation owning the land or right-of-way over and on which it is sought to build or construct said railroad may choose another person as an assessor. If the person owning such land or right-of-way shall fail or refuse to choose an assessor, or shall be a minor, lunatic, idiot or other person laboring under a disqualification in law without a legal representative, it shall be, and is hereby made the duty of the Ordinary of Wilkes county to make the selection of assessor for the owner; *Provided*, that the company shall give notice to the Ordinary that the owner fails or refuses to make selection of an assessor, or that he or she has no legal representative and is a minor, lunatic, idiot or is otherwise disqualified in law from making such selection. The two

assessors thus selected shall make choice of a third assessor; the three thus selected shall be sworn before an officer authorized to administer an oath to do justice between the parties, and after hearing all competent evidence offered by either party touching the benefits as well as the damages that will result to the owner from the location of the railroad on such land or right-of-way, or on such tracks, or from the condemnation of the land sought to be obtained by the railroad company, the said assessors, or a majority of them, shall assess the damages to be paid by the railroad company, or value the property sought to be condemned, as the case may be. Their award shall be made in writing, shall specify the amount to be paid, and designate the right-of-way or property so condemned, and when made shall be filed in the office of the clerk of the Superior Court of Wilkes county over which a right-of-way is sought, or which is sought to be condemned. The clerk shall record the award in his office, and it shall, if not appealed from, have the force and effect of a judgment of the Superior Court. Either party dissatisfied with the award shall have the right of appeal to the Superior Court by giving written notice to the other party within ten days after said award has been filed and entering an appeal in writing to the Superior Court. In case the owner of the land is under a disability, as provided in this section, and without a legal representative, the Ordinary may give the notice for such disabled person, and in same manner service in a similar case may be given to the Ordinary, where the company may enter an appeal, and issue shall be made on such appeal and tried in the Superior Court as cases at common law, with right to either party to except and carry same before Supreme Court. The entering an appeal shall in no case hinder or delay the construction and building the railroad, or the erection of the buildings, etc., on said land or right-of-way, but the same may proceed from the time such condemnation proceedings are begun. If the appeal is entered by the railroad company, they shall give bond with security for the payment of the amount adjudged on the final hearing; should no appeal be entered within ten days, and the company fail or refuse to pay the amount of the award, then the clerk shall, on application of the owner or Ordinary, where he is authorized to act, issue execution on said award, and proceeding shall be had thereon as in cases of judgments and executions in the Superior Court. All sums collected by the Ordinary for persons unrepresented and laboring under any of the disabilities contemplated shall be held by him for the use of such persons, and he shall cause proper legal representatives of such person to be made, and the amount recovered shall be held and treated

Incorporating the Washington Street Railway Company.

as a part of the estate of such disabled persons, and in all cases the right-of-way or title to the property condemned shall vest and remain in the said company according to the terms of the award.

Motive
power.

SEC. V. *Be it enacted*, That said corporation shall have full power and authority to use and employ any kind of motive power, except steam engines, upon the lines of its said street railroad for the drawing of both passengers and freight cars.

Capital
stock.

SEC. VI. *Be it enacted*, That the capital stock of said corporation shall be fifteen thousand dollars, divided into shares of fifty dollars each. Said capital stock may be increased from time to time to any sum not to exceed fifty thousand dollars; *Provided*, said increase be authorized in each instance by a direct vote of a majority of all the stock of the company at an annual or at a special meeting called for that purpose; but said corporation may organize and commence business whenever the sum of ten thousand dollars is subscribed.

Stock sub-
scriptions.

SEC. VII. *Be it enacted*, That the books of subscription to the capital stock of said corporation shall be first opened under the superintendence of the corporator and such persons as he may associate with him, or a majority of them, acting in person or by proxy, in such place and on such day or days as said persons, or a majority of them, may deem expedient, and all subscriptions shall be paid in cash, or that which such persons may deem equivalent, in installments as called for by the board of directors, until said corporation is organized, which shall be done within three months after the requisite subscriptions are obtained.

Payments
on.

Liability
of stock-
holders.

There shall be no personal liability upon the stockholders of said corporation.

Directors.

SEC. VIII. *Be it enacted*, That the affairs of said corporation shall be managed by a board of directors to consist of not less than three nor more than five persons, themselves stockholders, in their own right, a majority of whom shall constitute a quorum; and the said Charles E. Smith, with two other persons elected at the first meeting of the stockholders, shall constitute a board of directors until the said Washington Street Railway is completed. The board of directors shall be elected annually by the stockholders at such time and place as may be fixed in the by-laws, and such time and place shall be published, at least ten days before the election, in some paper published in Washington.

Provision-
al board.
Election.

President
and other
officers.

They shall hold their offices until their successors are elected. They shall elect one of their number president and another secretary and treasurer, and they shall have such powers and duties as are prescribed in the by-laws. The directors shall have full power and authority to manage and conduct, and to prescribe the rules for managing and conducting, all the business of the corporation.

Manage-
ment.

Incorporating the Fort Valley and Dublin Railroad Company.

SEC. IX. *Be it enacted*, That this charter shall be and continue for the term of fifty years, with the privilege of renewal at that time. Term of charter.

SEC. X. *Be it enacted*, That said Washington Street Railway Company may convey upon and over their line either passengers or freight, or both, as the public wants and its interests may require. Rights as carriers.

SEC. XI. *Be it enacted*, That all the powers granted by this Act shall cease unless said company shall, within five years from the passage of this Act, begin the construction of said street railway, and proceed *bona fide* in its construction. Forfeiture of charter.

SEC. XII. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws, whether contained in general laws or in charters, in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE FORT VALLEY AND DUBLIN RAILROAD COMPANY.

No. 574.

An Act to incorporate the Fort Valley and Dublin Railroad Company; to confer certain powers and privileges on said company, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That Sterling Neil, C. G. Gray, C. H. Miller and H. A. Mathews, of Houston county; Jno. T. Duncan, Martin Jones, Charles Hicks and J. T. Coney, of Laurens county, and such other persons as they may associate with them, and who shall be stockholders, and their successors and assigns, be, and they are hereby created a body politic and corporate under the name and style of The Fort Valley and Dublin Railroad Company, with power under said name to sue and be sued, plead and be impleaded in the courts of law or equity in this State; to have and use a corporate seal; to hold, use and enjoy all such real and personal property as may be necessary to and will advance the interest of said company, together with such other powers as are herein conferred, as well as those which by the laws of this State are conferred generally on corporations. Corporators.
Corporate name.
General powers.

SEC. II. *Be it further enacted by the authority aforesaid*, That said company be, and they are hereby authorized and empowered Route.

Incorporating the Fort Valley and Dublin Railroad Company.

to survey, lay out, construct and equip, as well as maintain and operate, a railroad from the town of Fort Valley, in the county of Houston, in a southeasterly direction to or near the town of Dublin, in the county of Laurens, and to run through such counties as may be necessary or best in their judgment for the purpose of connecting the two towns named by a railroad for the purpose of carrying freight and passengers.

Right-of-way, etc. SEC. III. *Be it further enacted*, That for the purpose of constructing, maintaining and operating said line of railroad, that said company is empowered to cause such examinations and surveys to be made of the proposed line between the said towns of Fort Valley and Dublin as shall be necessary for the selection of the most advantageous route, and for that purpose are empowered to enter the land of any person; to acquire by gift or purchase real estate and other property for the construction, maintenance and accommodation of said railroad, and to hold and use said real estate and other property useful for the same, and for stations and necessary buildings, and for connections with other railroads, for terminal facilities, and all other accommodations necessary to accomplish the purpose of this incorporation, and to lease, buy and mortgage all lands necessary for its use, or they may sell the same; to lay out its line of road or a right-of-way not more than two hundred feet in width, and for the purpose of cutting and filling, for obtaining ground and material, to take as much land as may be necessary for proper construction and security of said railroad, and to remove trees and other obstructions on the right-of-way of said road, making compensation therefor in the manner hereinafter prescribed; to construct its railroad across, along and upon any water course, street, highway or canal, and over or across any grade, level or any other railroad which the route of its railroad shall intersect or touch; to cross, intersect, join or unite its railroad with any railroad heretofore or hereafter constructed at any point on its route, or upon the ground of any other railroad company, with turnouts, sidings, switches and other conveniences necessary in the construction of the railroad, and, where it is necessary, it may run over not more than two miles of the right-of-way of any other railroad to its freight or passage depot, shops, etc., in any city, town or village through which said railroad may run; to take and convey persons and all manner of property over their railroad by the use of steam or animals, or any mechanical power, and to receive compensation therefor, and to do all things necessary to a railroad business; to borrow such sum or sums of money at such rates of interest, not contrary to law, and upon such terms as such company, or its board of directors, may agree upon and may deem necessary and

Crossing, uniting, etc., with other roads, etc.

Borrowing money.

Incorporating the Fort Valley and Dublin Railroad Company.

expedient, and may execute one or more trust deeds and mortgages, one or both, if occasion may require, on its railroad or other property, to secure the same.

SEC. IV. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, with power by a two-thirds vote of the stockholders to increase the same to an amount not exceeding five hundred thousand dollars and which shall be divided into shares of twenty-five dollars each, and said company shall be authorized to commence work whenever five per cent. of amount of capital stock subscribed shall have been paid in. Capital stock.
Beginning work.

SEC. V. *Be it further enacted*, That no certificate of stock shall be issued to any subscriber until the last payment for the full amount of stock subscribed has been paid. Certificates of stock.

SEC. VI. *Be it further enacted*, That the board of directors of the Fort Valley and Dublin Railroad Company may construct a road of such gauge as its board of directors may determine. Gauge.

SEC. VII. *Be it further enacted*, That the Fort Valley and Dublin Railroad Company, hereby incorporated, shall have all the rights, powers, privileges and immunities granted to and conferred upon the Georgia Midland and Gulf Railroad Company by the Legislature of Georgia by Act approved September 29, 1885, as fully and completely as if all of said rights, powers, privileges and immunities, therein mentioned, were herein enumerated, saving only that the rights, powers, privileges and immunities therein mentioned shall apply as between the terminal points mentioned in this charter and to the counties through which this road may be laid out and constructed. Granted same powers as those of the Georgia Midland and Gulf Railroad Company.

SEC. VIII. *Be it further enacted*, That the methods of acquiring and condemning property for the right-of-way and for other uses of the Fort Valley and Dublin Railroad Company shall be the same as those prescribed in the charter of the Georgia Midland and Gulf Railroad Company referred to above. Disputed rights-of-way.

SEC. IX. *Be it further enacted*, That the charter herein granted shall be null and void if the franchises of the same shall be sold or conveyed before ten miles of said road shall have been fully graded, equipped and put in running order with rolling stock thereon sufficient for business. Sale of franchises.

SEC. X. *Be it further enacted*, That the general direction of said road shall be so laid out as not to run within ten miles of any road now in existence at any point on its line ; *Provided* this restriction shall not apply to any terminal point. Distance from other roads.

SEC. XI. *Be it further enacted*, That the charter herein granted shall be null and void, if, within five years after the approval of the same, the directors shall not have completed and fully Forfeiture of charter.

Incorporating the Tallulah Falls Railroad and Improvement Company.

built and equipped with rolling stock at least ten miles of the same.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24th, 1887.

INCORPORATING THE TALLULAH FALLS RAILROAD AND IMPROVEMENT COMPANY.

No. 378.

An Act to incorporate the Tallulah Falls Railroad and Improvement Company, and to define its rights, powers, privileges and liabilities, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That Pope Barrow, A. O. Bacon and Henry Jackson, and such other persons as they may associate with them, their successors and their assigns, be, and they are hereby incorporated and made a body corporate and politic under the name and style of the Tallulah Falls Railroad and Improvement Company, and said company may have and use a common seal, which may be altered, and by said name may sue and be sued in any of the courts of this State having proper jurisdiction.

SEC. II. *Be it further enacted*, That said company may make such rules and by-laws for its government and the management of its business as to it shall deem proper, not inconsistent with the Constitution and laws of this State and of the United States. The said company shall have power to prescribe the manner in which its by-laws shall be made and changed.

SEC. III. *Be it further enacted*, That said company shall have the power and authority to survey, lay out, construct and equip and use a railroad or railroads, of such gauge or gauges as it may elect, from some point within or near the town of Tallulah Falls, in the county of Habersham, or in the county of Rabun, to such point as said company may select on the adjacent mountain, commonly known as Hickory-nut Mountain, and also to such point or points on either or both sides of the Tallulah river as said company may select, not exceeding five miles, in an air-line from the corporate limits of the said town of Tallulah Falls, and by or upon such route or routes as it may choose or adopt; to use and enjoy the same, and to charge for the transportation of passengers and freight on the same. Said railroad

Incorporating the Tallulah Falls Railroad and Improvement Company.

or railroads may be operated by steam, water, electricity or horse-power, one or more, as said company may select. Motive power.

SEC. IV. *Be it further enacted*, That said company shall have the power to buy and improve, own or sell real estate within five miles on an air-line from the corporate limits of the said town of Tallulah Falls, to an extent not exceeding one thousand acres, in addition to the land occupied by its right-of-way and depots, and to use and operate such improvements as it may make thereon. Property rights.

SEC. V. *Be it further enacted*, That said company shall have the right to construct a system of water-works for the purpose of conveying water from said Hickory-nut Mountain and the lands owned by said company to the town of Tallulah Falls for the purpose of supplying its engines, boilers, cars and other machinery used in the running of its railroad or railroads aforesaid, and for the further purpose of supplying the persons and corporations in said town of Tallulah Falls with water for domestic, manufacturing and other purposes. Water works.

SEC. VI. *Be it further enacted*, That should the said company find it necessary, in the construction of its said railroad or railroads, or in the construction of its said water-works, and in distributing water therefrom, to have and use the lands of other persons for the right-of-way of its said railroad or railroads, or of its water-pipes or water-ways, and the price or compensation to be paid for the same cannot be agreed upon between the said company and the owners of said lands, said company may acquire the same for the purposes aforesaid by pursuing the mode pointed out and prescribed in Section 12 of an Act to provide a general law for the incorporation of railroads, approved September 27th, 1881, found in Section 1689 (1) of the Code of Georgia of 1883. Right of-way.

SEC. VII. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each. Said capital stock may be increased from time to time to any sum not exceeding one million dollars, provided said increase be authorized in each instance by a vote of the majority of the stock of said company at an annual or special meeting called for that purpose. Said corporation may organize and commence business whenever the sum of one hundred thousand dollars has been subscribed and the sum of ten thousand dollars has been paid in. Capital stock.

SEC. VIII. *Be it further enacted*, That the books of subscription to the capital stock of said company shall be opened, under the superintendence of said persons named in the first section of this Act, in such place and on such day or days as the said persons, Organisa-
tion.
Stock sub-
scriptions.

or a majority of them, may deem expedient, and all subscriptions shall be paid in cash, or in that which such persons may deem its equivalent, and in such installments as shall be determined by the board of directors. Said persons named herein shall act as a provisional board of directors until said corporation is organized, which shall be done within thirty days after the requisite subscriptions are obtained, at such time and place as may be determined by said provisional board of directors.

SEC. IX. *Be it further enacted*, That the affairs of said company shall be managed by a board of directors to consist of five persons, themselves stockholders, in their own right to the amount of one thousand dollars each, a majority of whom shall constitute a quorum. They shall be elected annually by the stockholders at such time and place as may be fixed by the by-laws. They shall hold their offices until their successors are elected. They shall elect one of their number president, another vice-president; they shall also elect a treasurer, who may or may not be a member of the board of directors. They shall have such powers and duties as may be prescribed in the by-laws. The directors shall have full power and authority to manage and conduct, and shall prescribe rules for managing and conducting all the business of said company of every kind, and to designate such subordinate officers as the business of the company may require. The number of said board of directors may be increased by a provision in the by-laws to that effect, and said board may fill all vacancies.

SEC. X. *Be it further enacted*, That said company, acting by its board of directors, may borrow money by the issue of bonds of said company of such amount or amounts and of such denomination as the board of directors may prescribe, and for the securing the payment of said bonds, said company is hereby vested with power to execute a mortgage or mortgages on a part or the whole of the property of said company, including the franchises thereof. Said bonds, mortgage or mortgages, and all other contracts required by law to be in writing, shall be signed by the president and countersigned by the treasurer.

SEC. XI. *Be it further enacted*, That the by-laws of said company shall fix the time and manner of holding annual meetings of the stockholders of said company at which the directors shall be elected. The officers and directors elected at the organization of the company shall hold their offices until the first annual meeting thereafter, or until their successors are elected, and all officers and directors thereafter elected shall hold their offices on a term of one year, or until their successors are elected. The by laws shall prescribe the time and place of the regular meeting of the directors and the manner in which special meetings of the directors or of the stockholders shall be called and held. At the annual or special meeting of the stockholders, each stockholder

Payment.

Provisional directors.

Permanent directors. Election, powers, etc.

President and other officers.

Management.

Number of directors. Vacancies.

Bonds, etc.

Stockholders' meeting.

Terms of office.

Directors' meetings.

Incorporating the Holcomb and Hawkinsville Railroad Company

shall have one vote for each share of stock owned by him, and this shall be cast by the stockholder in person or by proxy in writing. Vote of stockholders.

SECTION XII. *Be it further enacted*, That all salaries and compensation of the officers and employees of said company shall be fixed by the board of directors of said company. Salaries, etc.

SEC. XIII. *Be it further enacted*, That the principal office and place of business of said company shall be in Atlanta, Fulton county, Georgia. Principal office.

SEC. XIV. *Be it further enacted*, That said company shall have the authority, through its board of directors, to sell or lease the whole or any part of its said property to any other person or corporation. Sale or lease of property.

SEC. XV. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE HOLCOMB AND HAWKINSVILLE RAILROAD COMPANY.

No. 580.

An Act to incorporate the Holcomb and Hawkinsville Railroad Company and to grant certain privileges therein mentioned.

SECTION I. *The General Assembly of the State of Georgia do enact*, That Y. H. Morgan, L. J. Belt, A. H. Wooten, C. T. Belt, J. T. Coney, A. J. Thompson, Samuel Meyer, Geo. W. Jordan, J. A. Shewmake, J. M. Buchan and J. E. Scofield, together with such others as they may associate with them under this Act, be, and they are hereby created a body corporate and politic by the name of the Holcomb and Hawkinsville Railroad Company, and by that name they and their successors and assigns shall and may continue such body corporate and politic, and as such may sue and be sued, answer and be answered, defend and be defended, in all the courts in the State of Georgia, in any suit or action, dispute or transaction, touching the business of said company; may make by-laws, rules and regulations for its government, not inconsistent with the laws and Constitution of this State or the United States, and do all lawful acts incident to a corporation and necessary and proper for the transaction of the business for which it is incorporated; may determine as to the number of directors, time and mode of electing them, and to Corporators.
Name. General powers.

have a common seal and to alter and destroy the same at pleasure.

Route. SEC. II. *Be it further enacted by the authority aforesaid,* That the said company shall have the right, power and authority to build, construct, own and maintain a railroad, standard gauge, from Holcomb, No. 10, Central Railroad, in the county of Burke, via Cochran, on the East Tennessee, Virginia and Georgia Railroad, with branch roads from main line to Mt. Vernon and Dublin, Georgia, to Hawkinsville, in Pulaski county, in said State. Said company shall have the right, power and authority to construct and build said railroad across all railroads, public roads and private roads, may erect and build bridges across all streams and water courses along the line of said road. Said company shall have the right, power and authority to acquire by gift or purchase and to hold for its own use and purposes all rights-of-way, or any other right, property or franchise necessary to the carrying out of the purpose of this charter.

Right-of-way, etc. SEC. III. *Be it enacted by the authority aforesaid,* That the said company shall have the power to select and take, purchase, or receive as a donation or otherwise such strip, lot or parcel of land, not to exceed one hundred feet width, along the route they may select, and in all cases of disagreement as to the value of said strip, lot or parcel of land between said company and the owner or owners thereof, it shall be lawful for either party to apply to the sheriff of the county in which the lands are located, to summon a jury of seven disinterested freeholders, who shall examine the land sought to be appropriated for the use of said company, and award in writing the amount of damages, if any, to be paid by said company, either party having the right to appeal to the Superior Court of the county under the general law of appeals, and upon the payment of damages so assessed, a fee-simple title to such lot, strip or parcel of land shall vest in said company.

Disputed right-of-way. SEC. IV. *Be it enacted by the authority aforesaid,* That said company shall have full power to collect such rates of freight and passage as may be allowed by the commissioners of railroads of the State of Georgia, and for all freight and passengers passed, conveyed and transported over said railroad, and for all such freight and passage, the company shall have a lien upon the baggage of passengers, and upon all freight passed, carried or transported by them, and shall have the right to sell at public outcry to satisfy the amount due said company for freight or passage, when left unpaid for the space of thirty days.

Lien of carrier. SEC. V. *Be it enacted by the authority aforesaid,* That the capital stock of said company shall be one million dollars, but may

Incorporating the Holcomb and Hawkinsville Railroad Company.

be increased to three million dollars if the company shall deem such increase necessary to enable them to complete said railroad, and the same may be divided into shares of one hundred dollars each; that books for subscription to said capital stock of said company may be opened at such times and places as a majority of said named corporators shall direct in writing, and when one hundred thousand dollars of said stock is subscribed, a majority of said named corporators shall, at first meeting of stockholders, to assemble in the town of Hawkinsville, which shall be the principle office of said company, by giving two weeks' notice in a public gazette, published at said place, then and there elect the first board of directors of said company, and its organization shall thereupon be perfected. Said board of directors shall consist of not less than seven nor more than nine stockholders, and at all meetings of stockholders each share of stock shall be entitled to one vote, and may be cast either in person or by proxy.

SEC. VI. *Be it further enacted by the authority aforesaid,* That said company shall have power to connect said road with any other line of road upon such terms as may be agreed on between said company and any other company, and may constrct such turnouts and switches as may be necessary for the use of said company.

SEC. VII. *Be it further enacted,* That said stockholders shall be liable to the full extent of their unpaid subscription to the capital stock of said company.

SEC. VIII. *Be it further enacted,* That if work under this charter is not commenced within five years from the passage of this Act, then and in that case all the rights and powers herein granted shall be and become null and void.

SEC. IX. *Be it further enacted,* That the corporators shall have no power to transfer this charter before at least ten miles of said road are graded and ironed ready for rolling-stock, and in the event of such previous transfer, this charter shall thereby be forfeited *es instante*.

SEC. X. *Be it further enacted,* That the general direction and location of said railroad shall be at least ten miles from any railroad already constructed, but this section shall not be so construed to refer to any point within ten miles of either terminus.

SEC. XI. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE JACKSON AND INDIAN SPRINGS RAILWAY COMPANY.

No. 585.

An Act to incorporate the Jackson and Indian Springs Railway Company; to confer certain powers and privileges on said company; to define the powers of the same, and for other purposes.

Corporators. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same,* That Alfred M. C. Watkins, Joel B. Watkins, Benjamin F. Watkins, Alfred M. C. Watkins, jr., and Thomas J. Dempsey and J. W. Crum and J. F. Carmichael, all of the county of Butts, and State of Georgia, and such other persons as they may hereafter associate with them, who shall all be stockholders, and their successors and assigns be, and they are hereby created a body politic and corporate under the name of the Jackson and Indian Spring Railway Company, with power under said name to sue and be sued, plead and be impleaded in the courts of law and equity in this State, to have and use a corporate seal, to hold property, both real and personal, own, use and enjoy the same, for such uses as may be necessary to and will advance the interest of said company, together with such other powers as are herein conferred, as well as those which by the laws of this State are conferred generally on incorporations doing business in this State.

Name.

General powers.

SEC. II. *Be it further enacted by the authority aforesaid,* That said company be, and they are hereby authorized and empowered to survey, lay out, construct and equip, as well as maintain and operate a railroad from the city of Jackson, in the county of Butts, to the town of Indian Springs, in the same county, the same to extend and run in a southeasterly direction from the city of Jackson to some point in the town of Indian Springs.

Right-of-way and property rights. SEC. III. *Be it further enacted by the authority aforesaid,* That for the purpose of surveying, constructing, maintaining and operating said line of railroad, the said company is empowered to cause such examinations and surveys to be made of the proposed line between the city of Jackson and town of Indian Springs as shall be necessary to the selection of the most practical route between said points, and for that purpose are empowered to enter the lands of any person to acquire by gift or purchase real estate or other property for the construction, maintenance, operation and accommodation of said railroad, and to hold and use real estate and other property useful for the same, and for stations,

Incorporating the Jackson and Indian Springs Railway Company.

connections with other railroads, terminal facilities and all other accommodation necessary to accomplish the objects of this incorporation, and to lease, buy and mortgage all lands necessary for its use, or they may sell the same; to lay out its line of railway not more than one hundred and fifty feet in width, and for the purpose of cutting and filling for obtaining gravel and material to take as much land as may be necessary for proper security and construction of said railway, and to move all obstructions on the right-of-way of said road, making compensation for the same in the manner prescribed in this Act; to cross, intersect, join or unite its railroad with any other railroad heretofore or hereinafter constructed at any point in its route; to take and convey persons and all manner of property over their road by use of steam or animal or any mechanical power, and to receive compensation therefor, and to do all things necessary to a railroad business; to erect and maintain convenient buildings, stations, fixtures and machinery, whether within or without a city, town or village, for the use and accommodation of passengers or freight business; to borrow such sum or sums of money at such rates of interest not contrary to law and upon such terms as such company or its board of directors may agree upon and may deem necessary and expedient, and may execute one or more trust deeds or mortgages, one or both, as occasion may require, on its railroad or other property to secure the same.

Crossing,
etc., other
roads
Rights as
carriers.

Buildings,
etc.

Borrowing:
money,
etc.

SEC. IV. *Be it further enacted by the authority aforesaid,* That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with power, by two-thirds vote of the stockholders, to increase the said capital stock to an amount not exceeding two hundred thousand dollars, and said company shall be authorized to commence work when ten per cent. of said subscribed capital stock shall have been paid in.

Capital
stock.

Beginning
work.

SEC. V. *Be it further enacted by the authority aforesaid,* That said books of subscription may be opened by the board of directors at either terminus, and subscriptions to the capital stock of said company may be made in the form of a general contract, or promissory notes, or other form, as may be selected, or paid in in cash under the direction of the board of directors, and certificates of stock shall be issued to the persons paying on the basis of one share for every hundred dollars so paid, but no certificate shall be issued for less than one share; that all subscriptions made to the capital stock shall be payable in such installments as shall be agreed upon, and if any stockholder shall refuse or neglect to pay any installment that may be called for within sixty days after the same shall have become due, and notice given as hereinafter provided for, at the election of the board of directors, such stock, with all payments made thereon previous to said call, shall be

Stock sub-
scriptions.

Payments
on
Failure to
pay.

Incorporating the Jackson and Indian Springs Railway Company.

forfeited to said company; *Provided*, such forfeiture is authorized by the by-laws of said company, or they may have a right of action to recover any such installments as may be called in said subscription of stock.

Disputed
right-of-
way.

SEC. VI. *Be it further enacted by the authority aforesaid*, That when said company and any person or corporation through or on whose lands it is desired said railroad shall be located and constructed, and depot buildings, shops, stations and other appurtenances are desired to be located, cannot agree on the amount to be paid by the company for the right-of-way or titles to the lands desired, then, notwithstanding the disagreement, it shall and may be lawful for said company to construct its railroad over any lands belonging to other persons or corporations, and across the right-of-way of other railroads upon paying to the owners thereof, or to his or their authorized representatives, just and reasonable compensation for the right-of-way or needed lands, which compensation, when not agreed on, shall be fixed and determined in the following manner: The company shall choose one person, a citizen of this State, as its assessor, the person or corporation owning the land or right of way over or on which it is sought to construct or build said railroad, may choose another citizen as an assessor. If the person or persons owning such land or right-of-way shall refuse to choose an assessor, or shall be a minor, lunatic, idiot, or other person laboring under a disqualification in law, without a legal representative, it shall be, and is hereby made the duty of the Ordinary of the county, in which is located such land or right of-way, to make selection of an assessor for the owner; *Provided*, that the company shall give notice to the Ordinary that the owner fails or refuses to make selection of an assessor, or that he or she has no legal representative, and is a minor, lunatic, idiot, or is otherwise disqualified in law from making such selection. The two assessors thus chosen shall make choice of a third assessor; the three thus selected shall be sworn before an officer authorized to administer an oath to do justice between the parties, and after hearing all competent evidence offered by either party touching the benefits as well as the damages that will result to the owner from the location of the railroad on such land or right-of-way, or on such track, or from the condemnation of the land sought to be obtained by the railroad company, the said assessors, or a majority of them, shall assess the damages that shall be paid by the railroad company, or value the property sought to be condemned, as the case may be. Their award shall be made in writing, shall specify the amount to be paid and designate the right of way or property so condemned, and when made shall be filed in the office of the clerk of the Superior Court of the county in which the land lies, over which a right-of-way is sought or which is sought to be condemned. The clerk shall record the award in his office, and

Incorporating the Jackson and Indian Springs Railway Company.

it shall, if not appealed from, have the force and effect of a judgment of the Superior Court. Either party dissatisfied with the award shall have the right of appeal to the Superior Court by giving written notice to the other party within ten days after said award has been filed and entering an appeal in writing to the Superior Court. In case the owner of the land is laboring under a disability, as provided in this section, and without a legal representative, the Ordinary may give the notice for such disabled persons, and in same manner service in similar cases may be given to the Ordinary when the company may enter an appeal and issue shall be made on such appeal and tried in the Superior Court as cases at common law, with right to either party to except and carry same to Supreme Court. All sums collected by the Ordinary for persons unrepresented and laboring under any of the disabilities contemplated shall be held by him for use of such person, and he shall cause proper legal representative of such persons to be made, and the amount recovered shall be held and treated as a part of the estate of such disabled person, and in all cases the right of way or title to the property condemned shall vest and remain in the said company for railroad purposes only; *Provided*, that the general direction and location of said line of railroad shall be at least ten miles from any other railroad already constructed, except for a distance of ten miles from either terminus; *Provided further*, that said railroad company shall not take and use any property condemned as herein provided until just and equitable compensation shall have first been paid; and *provided further*, that in no case shall the award of the arbitrators be less than the actual value of the land condemned.

Distance from other roads.
Payment for property condemned.

SEC. VII. *Be it further enacted by the authority aforesaid*, That the principal office of said company shall be in the city of Jackson, but the board of directors may cause the same to be changed to any other point on said road by giving thirty days' notice of such change in a newspaper published in the city of Jackson after such change has been approved by a majority of all the stockholders.

Principal office.

SEC. VIII. *Be it further enacted by the authority aforesaid*, That said railroad company shall have power to make and issue bonds to such an amount, in such denominations and such a rate of interest, not exceeding seven per cent. per annum, payable at such times and places as they may determine, and to secure the payments of principal and interest of such bonds by mortgages or deeds of trust of its railroad, real and personal property, franchises and all other rights of property; also to make and issue preferred stock and give preferences in the payment of dividends as may best subserve the purposes and interests of said company.

Bonds, etc.

Preferred stock.

SEC. IX. *Be it further enacted by the authority aforesaid*,

Incorporating the Jackson and Indian Springs Railway Company.

Directors. That the business and affairs of said railway company shall be managed by a board of five directors, who shall be elected annually by the stockholders. The first election for directors of said company shall be held by the stockholders at such time and place, in the county of Butts and State aforesaid, as shall be agreed upon by a majority of the stockholders after having advertised the same for four weeks in a newspaper published in the city of Jackson. In all meetings of the stockholders, each stockholder shall be entitled to as many votes as the shares owned by him or her. All elections shall be by ballot and the votes cast in person or by proxy, duly given in writing. The board of directors shall have power to fill all vacancies which may occur in said board between the annual elections by the stockholders.

Election.

Vacancies.

President and other officers. SEC. X. *Be it further enacted by the authority aforesaid,* That the first and all future boards of directors shall elect from their number a president of said railway company and shall have power to elect or appoint such other officers, agents or employees as they may deem necessary and proper to carry on the business of said company. The president and board of directors shall have power to conduct and control all the business and affairs of said company, except as to matters expressly ordered otherwise by the stockholders; to make all contracts, fix all salaries, call in and demand payments of subscriptions in installments, or as they may deem proper, under penalty of forfeiting shares of stock subscribed for and all previous payments thereon. If payment shall not have been made within sixty days after demand, or notice shall have been published once a week for four weeks in a newspaper published in the said city of Jackson, but the recovery by action of any installments shall preclude the company from forfeiting that stock by reason of non-payment of installments. The directors shall have power to adopt a corporate seal, make by-laws and regulations and declare dividends, but the stockholders shall have power to regulate and limit the powers of the board and modify and change the by-laws.

Powers of president and directors.

Forfeiture of stock.

Seal, etc.

SEC. XI. *Be it further enacted by the authority aforesaid,* That the stock in said company shall only be transferable on the books of said company under regulations to be prescribed in the by-laws, but no share shall be transferred until the sum of one hundred dollars shall have been paid therefor to the company.

Transfers of stock.

Liability of stockholders.

SEC. XII. *Be it further enacted by the authority aforesaid,* That the stockholders in said railway company shall in their private capacity be bound to any creditor of the company for the amount of stock subscribed for by him or her until such stockholder shall have paid out of his private property debts of said railway

Amending Charter of the Griffin, LaGrange and Western Railroad Company.

company to an amount equal to his unpaid subscription, and not otherwise.

SEC. XIII. *Be it further enacted by the authority aforesaid,* ^{Term of} That this Act of incorporation shall continue and be of force for ^{charter.} the term of fifty years; *Provided,* that the corporate powers and privileges herein granted shall lapse and become void and of no effect, without a judgment of forfeiture, unless ten miles of said ^{Forfeiture} railroad shall be built, equipped and in operation within five ^{of.} years from the approval of this Act, and any transfer of the ^{Transfer} rights and franchises herein granted before ten miles of said rail- ^{of.} road shall have been built, equipped and in operation, shall be void.

SEC. XIV. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

AMENDING CHARTER OF THE GRIFFIN, LAGRANGE AND WESTERN RAILROAD COMPANY.

No. 218.

An Act to amend an Act, approved December 27th, 1886, to incorporate the Griffin, La Grange and Western Railroad Company, so as to confirm the change of name already made pursuant to Section 1689 (m) of the Code of Georgia, of said Company to Birmingham and Atlantic Air-Line Railroad Company, and to change the present name of said company to Birmingham and Atlantic Air-Line Railroad, Banking and Navigation Company; to provide for locating, building, equipping and operating a branch of its road from Greenville, Georgia, to Savannah, Georgia, and from Dublin, Georgia, to Americus, Georgia; to increase the capital stock of said company; to confer upon said railroad company the power to carry on a banking business; to confer upon said company the right and power to build, equip, purchase and own ships to be run and employed in navigation and for the transportation of freight and passengers to and from the port of New York, or any other ports of the United States or Europe, to and from Savannah, Georgia, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That the change of the name of Griffin, LaGrange and Western Railroad Company by its directors, under Section 1689 (m) of the

Amending Charter of the Griffin, LaGrange and Western Railroad Company.

Change of name and acts done thereunder confirmed. Code of Georgia, to Birmingham and Atlantic Air-Line Railroad Company, is hereby ratified and confirmed, and all acts done by said company in said name are hereby legalized, and the name of said corporation shall in future be Birmingham and Atlantic Air-Line Railroad, Banking and Navigation Company.

New name. SEC. II. *Be it enacted by the General Assembly of Georgia,* That the right and power to locate, lay-out, construct, equip and operate a branch road from Greenville, Georgia, a point on its main line, to the city of Savannah, Georgia, through the counties of Meriwether, Pike, Upson, Monroe, Bibb to the city of Macon, thence through the counties of Bibb, Twiggs, Wilkinson, Laurens, Montgomery, Emanuel, Bulloch, Tattnall, Bryan and Chatham to the city of Savannah, which said company has obtained under Section XV of the charter granted said Griffin, LaGrange and Western Railroad Company, and also under the provisions of the general laws of Georgia, be, and the same is hereby ratified, confirmed and adopted and is made a part of this charter; *Provided,* that said branch road in the part of its road between Greenville and Macon shall not run within ten miles of the line of any other railroad already constructed between Greenville and Macon, except within ten miles of either terminus; and *Provided,* that said branch road in the part of its line from Macon, Georgia, to Savannah, Georgia, shall not run within ten miles of the line of any other railroad company constructed or being constructed between Macon and Savannah (except within ten miles distance of either terminus), unless said railroad company shall purchase, control or consolidate with such company, whose line is constructed or in process of construction.

Branch road.

Proviso. Distance from other roads.

Branch from Dublin to Americus. Route.

SEC. III. *Be it enacted by the General Assembly of Georgia,* That said Birmingham and Atlantic Air-Line Railroad, Banking and Navigation Company is hereby authorized to locate, lay out, construct, equip and operate a branch road from Dublin, Georgia, to Americus, Georgia, over the following route: From Dublin through the counties of Laurens, Dodge and Pulaski to the towns of Cochran and Hawkinsville, and from Hawkinsville through counties of Pulaski, Dooly and Sumter to the city of Americus, with same proviso as in preceding section with regard to any railroad now in process of construction from the city of Americus through any of said counties.

Right-of-way, etc.

Connection with vessels, etc.

SEC. IV. *Be it further enacted by the General Assembly of Georgia,* That said railroad company shall have the same rights to acquire by purchase, gift or condemnation any and all lands that the said company may deem necessary for the construction of its branch roads, depots, warehouses, wharves and such terminal facilities as may be necessary for the operation of said roads, and to connect the same with vessels in the Savannah river, to be run as hereinafter provided, as are granted in the original legislative charter to the Griffin, LaGrange and Western Railroad Company.

Amending Charter of the Griffin, LaGrange and Western Railroad Company.

SEC. V. *Be it further enacted by the General Assembly of the State of Georgia*, That the capital stock of the Birmingham and Atlantic Air-Line Railroad, Banking and Navigation Company shall be seven million dollars, and may be increased to ten million dollars, as the interests of the company may require it, upon a written consent of a majority of the stockholders of said company. Capital stock.

SEC. VI. *Be it further enacted by the General Assembly of the State of Georgia*, That the said Birmingham and Atlantic Air-Line Railroad, Banking and Navigation Company shall have full power to establish in the city of Savannah, in connection with its business, a bank, with power to establish branch banks at such points on its line of road and terminus as the board of directors may from time to time direct, with a capital stock of one hundred thousand dollars, with privilege of extending the same to five hundred thousand dollars, to do a general banking business, with all the rights and privileges that are conferred on the Oglethorpe Savings and Trust Company in Act incorporating said company, approved December 18th, 1886. The officers of the road shall be the officers and directors of the bank; *Provided*, that for all the debts and liabilities incurred in said banking business, each stockholder shall be individually liable in an amount equal to the amount of stock subscribed for or owned by such stockholder. Banking powers.
Capital stock of bank.
General banking privileges.
Officers.
Liability of stockholders.

SEC. VII. *Be it further enacted by the authority aforesaid*, That said Birmingham and Atlantic Air-Line Railroad, Banking and Navigation Company shall have the authority to build, purchase, equip, fit out and own ships or vessels to be propelled solely or partially by steam, to be run and employed in navigation and for the transportation of freight and passengers to and from the port of Savannah, in connection with New York and Philadelphia, or any other ports of the United States, or of the West Indies, or of Europe; that said company may employ five million of dollars in the business of navigation, or so much thereof as the majority of stockholders of said company may deem necessary for the said business. In order to carry on said business the said Birmingham and Atlantic Air-Line Railroad, Banking and Navigation Company shall have power to acquire by purchase, gift or condemnation any real estate or other property necessary for connecting its wharves with its railroad track, and the said company shall have the right to purchase or lease and hold wharves, or any interest in the same, and all other property which will tend to facilitate the object for which the navigation powers herein granted are given. Right of navigation company.
Capital.
Wharves, etc.

SEC. VIII. *Be it further enacted by the General Assembly of the State of Georgia*, That the rights, privileges and powers herein given

Amending Charter of the Americus, Preston and Lumpkin Railroad Company.

Powers herein additional to original charter. are in addition to those conferred upon the Griffin, LaGrange and Western Railroad Company by its original charters, and the right herein given to the Birmingham and Atlantic Air-Line Railroad, Banking and Navigation Company shall continue so long as the said original charter remains of force.

Term of charter.

Sale or transfer of charter.

Forfeiture of.

SEC. IX. *Be it further enacted by the authority aforesaid,* That the corporators shall have no power to sell or transfer their charter before at least ten miles of said road is graded and ironed ready for the rolling-stock, and in the event of such sale or transfer this charter shall be and become null and void.

SEC. X. *Be it further enacted by the authority aforesaid,* That this charter shall be void unless the actual construction is in good faith commenced within five years from the date of the passage of this Act.

SEC. XI. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 22, 1887.

AMENDING CHARTER OF THE AMERICUS, PRESTON AND LUMPKIN RAILROAD COMPANY.

No. 366.

An Act to amend the charter of the Americus, Preston and Lumpkin Railroad Company, so as to authorize and empower said company to extend the line of its railroad in an easterly direction, either to the city of Darien, or to the city of Savannah, or to some point on Sapelo Island, and to confer certain additional powers upon said company.

Extension of road.

Route.

proviso.

SECTION I *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same,* That the Americus, Preston and Lumpkin Railroad Company be, and it is hereby authorized and empowered to extend the line of its railroad from a point in or near the town of Abbeville, in the county of Wilcox, in an easterly direction over such route, and through and into such counties in this State as the Board of Directors of said company may deem best, to or near the city of Darien, in the county of McIntosh, or to the city of Savannah, in the county of Chatham, or to any point on Sapelo Island; *Provided,* that the route selected by the directors shall be as direct a route as practicable between Abbeville and the terminus selected, and that the general direction and location of the road to be constructed shall

Amending Charter of the Americus, Preston and Lumpkin Railroad Company.

be at least ten miles from the line of any other railroad already constructed, except for a distance of ten miles from Abbeville and ten miles from the aforesaid selected terminus, and that is to say, the board of directors of said company may, in their discretion, make the eastern terminus of said railroad either at Darien, or at Savannah, or on Sapelo Island.

SEC. II. *Be it further enacted by authority of the same,* That in addition to the powers heretofore by law conferred upon the Americus, Preston and Lumpkin Railroad Company, said company shall have power and authority to lease, purchase, build, own, hold and use any such steamships, steam vessels, sloops, schooners or sailing vessels of any and every kind, and barges and vehicles for water transportation of any kind which the board of directors may deem necessary or beneficial to the interest of the company, or that may enable it to compete with any other company, and the said company, through its directors, may lease, purchase, build, or contract for the use of wharves, docks, dock-yards and compresses.

SEC. III. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 27th, 1887.

TITLE II.

BANKS, LOAN AND TRUST COMPANIES.

ACTS.

- Incorporating the Planters' Bank of Preston. Georgia.
- Incorporating the First State Bank of Dawson. Georgia.
- Changing name of Capital City Land Improvement and Banking Company of Atlanta, Georgia.
- Amending charter of the Georgia Loan and Trust Company.
- Election of Vice President of Exchange Bank of Macon, Georgia.
- Incorporating the Buena Vista Loan and Savings Bank.
- Incorporating the Austell Banking Company.
- Incorporating the Albany Savings Bank.
- Incorporating the Citizens' Bank of Savannah.
- Amending Charter of the Bank of Thomasville.
- Amending charter of the Commercial Bank of Augusta.
- Incorporating the Bank of Cuthbert.
- Incorporating the Bank of Sandersville.
- Amending charter of the Commercial Bank of Albany.
- Incorporating the Marietta Bank.
- Incorporating the Title, Guaranty and Loan Company of Savannah.
- Incorporating the Merchants' and Planters' Bank of Carrollton, Georgia.
- Incorporating the Monroe Banking, Loan and Guaranty Company.
- Incorporating the Progress Loan, Improvement and Manufacturing Company.
- Amending charter of the Atlanta Loan and Banking Company.
- Amending charter of the Planters' Loan and Savings Bank.
- Incorporating the Merchants' and Mechanics' Banking and Loan Company of Atlanta, Georgia.
- Incorporating the Mutual Loan and Banking Company.
- Incorporating the Hartwell Loan and Savings Bank.
- Incorporating the Piedmont Savings Bank.
- Incorporating the Traders' Bank of Atlanta. State of Georgia.
- Incorporating the Planters' Bank of Ellaville, Georgia.
- Incorporating the Peoples' Bank of Jefferson.
- Incorporating the Atlanta Savings, Loan and Trust Company.
- Incorporating the Lowry Banking Company of Atlanta.
- Incorporating the Greenville Banking Company.
- Amending charter of the Athens Savings Bank.
- Incorporating the Central Trust and Banking Company of Georgia.
- Incorporating the Pataula Banking Company.
- Incorporating the Waynesboro Loan and Banking Company.
- Incorporating the Coweta Bank.
- Incorporating the Blue Ridge Banking, Loan and Trust Company.

INCORPORATING THE PLANTER'S BANK, OF PRESTON, GEORGIA.

NO. 134.

An Act to incorporate the "Planter's Bank of Preston, Georgia."

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That ^{Corpora-}
D. W. Nicholson, J. R. Stapleton, T. S. Chappell, J. B. Hud-
son, John Harrell, D. E. Ponder, G. E. Thornton, D. B. Har-
rell, A. J. Hamil and their associates and successors, be, and are
hereby, incorporated under the name and style of "The Planter's
Bank of Preston, Georgia," with power to have and use a com-
mon seal, sue and be sued, plead and be impleaded, contract and
be contracted with, discount bills and other evidences of debt,
sell and buy exchange, loan and borrow money and receive and
hold the same on deposit, buy and sell real and personal property
when necessary in its business and hold or convey the same and
to establish by laws as may be deemed necessary to carry on a
general banking business not in conflict with the laws of this
State or of the United States. <sup>Corporate
name.
General
powers.</sup>

SEC. II. The capital stock of said bank shall be fifty thousand <sup>Capital
stock.</sup>
dollars divided into shares of forty dollars each, and each share
shall entitle the holder thereof to one vote in all meetings of the
stockholders. The capital stock may be increased to any amount
not more than one hundred thousand dollars at any time by a
vote of two-thirds of the stockholders.

SEC. III. As soon as one-half of the capital stock is subscribed ^{Organiza-}
and fifty per cent. of said subscription is paid in, the incorporat-
ors or a majority of them may call a meeting of the subscribers
and they may organize by electing a board of directors, not less ^{Directors.}
than five, or more than nine, as their by-laws may designate, who
shall hold their offices one year and until their successors are
elected. Such board shall elect one of their number president.
They shall also appoint all other officers and employees and pre-
scribe such bond and security as they may deem necessary. <sup>President
and other
officers.</sup>
They shall call a meeting of the stockholders at least once in each
year and make to them a full report of the management of said <sup>Stockhold-
ers' meet-
ings.
Report.</sup>
bank the preceding year. Each stockholder of said corporation
shall be individually liable for the debts of said bank to the amount
of his or her unpaid subscription and shall be held individually <sup>Liability of
stockhold-
ers.</sup>
responsible equally and ratably and not one for another for all

Incorporating the First State Bank, of Dawson, Georgia.

contracts, debts and engagements of said bank to the extent of the amount of his or her stock therein at the par value thereof in addition to the amount invested in said stock.

Principal
offices.
Agencies.

SEC. IV. The principal officer of said bank shall be in Preston, Webster county, Georgia, but it may establish agencies in other places if deemed necessary by the directors.

SEC. V. All laws and parts of laws conflicting with this Act be, and are hereby, repealed.

Approved August 10th, 1887.

INCORPORATING THE FIRST STATE BANK, OF DAWSON,
GEORGIA.

No. 138.

An Act to incorporate the First State Bank, of Dawson, Georgia.

Corpora-
tors.

Corporate
name.
General
powers.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same,* That J. B. Perry, J. K. Mercer, B. B. Perry, J. F. Lark, and such other persons as may hereafter be associated with them, and their successors and assigns, shall be, and they are hereby, created a body politic and corporate, and under the name and style of the "First State Bank of Dawson, Georgia," and by that name shall have perpetual succession; shall and may sue and be sued, plead and be impleaded, defend and be defended in any court whatever; may have a common seal, and have such forms as are herein set forth.

Capital
stock.

Beginning
business.

SEC. II *Be it further enacted,* That the capital stock of said bank shall be fifty thousand dollars, divided into shares of one hundred dollars each, with power to said bank to increase its aforesaid capital stock to any amount not exceeding two hundred and fifty thousand dollars; that when twenty thousand dollars in lawful money of the United States, and thirty thousand dollars in good endorsed promissory notes, date of maturity not to exceed sixty days from date of organization of said bank, and no one note being for an amount exceeding five hundred dollars, has been paid in, the bank may proceed to business under this Act.

Transfers
of stock.

SEC. III. *Be it further enacted,* That the stock shall be transferable only on the books of said bank, either in person or by power of attorney, and no stockholder shall transfer his stock except by the consent of the officers of said bank, if he is indebted to the bank as principal, security or otherwise, until such indebtedness is paid off and discharged, and for all such in-

Incorporating the First State Bank, of Dawson, Georgia.

debtedness the bank shall have a lien of the highest dignity upon the stock of such stockholder. Lien for unpaid stock.

SEC. IV. *Be it further enacted*, That the corporate powers of said bank shall be vested in and exercised by a board of directors, consisting of not less than three persons, to be chosen by a majority in interest of the stockholders voting at an election for that purpose, each share of stock to represent one vote, and said directors shall hold their offices for one year from date of their election, and until their successors are elected and qualified a majority of said board shall constitute a quorum for the transaction of all business devolved upon the same; said board shall fill all vacancies occurring in its body by death, resignation or otherwise, and the persons elected to fill such vacancies shall hold their offices until the next annual meeting of the stockholders. Directors. Election. Term. Quorum. Vacancies.

SEC. V. *Be it further enacted*, That the board of directors shall have power from time to time to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of officers, for prescribing their duties and the mode of discharging the same; the manner of transferring its property; of conducting its general business; of exercising and enjoying the privileges granted to it by law; *Provided*, such by-laws and regulations shall not be repugnant to the Constitution and law of this State or of the United States. By laws, etc.

SEC. VI. *Be it further enacted*, That said bank shall have power to receive deposits of money, to purchase and sell lands, stocks, bills of exchange to discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt, to loan money and to loan and advance moneys, securities and credits on mortgages on real and personal property of any and all kinds, and the said bank shall have power to take and hold as security for, and in payment of, any loans or advances made, mortgages or other instruments or obligations upon any and all kinds of property whatever, either real or personal, and shall have power to purchase, hold, sell, exchange and convey land or other property of any nature, and may execute and issue all such receipts, certificates, contracts or other instruments as may be necessary to the transaction of its business. Banking powers.

SEC. VII. *Be it further enacted*, That said bank shall have power to take and accept by grant, assignment, or bequest, and hold any real or personal estate in trust, created in accordance with the laws of this State, and execute such legal trusts in regard to the same, on such terms as may be declared, established as agreed upon in regard thereto. Rights as trustees.

SEC. VIII. *Be it further enacted*, That all the capital, property and assets of said bank shall be bound for the payment of its debts, and in addition thereto the stockholders shall be bound and Liability for debts.

Changing name of the Capital City Land Improvement and Banking Co. of Atlanta, Ga.

Stockholder's liability. liable to contribute to the payment of the debts of the bank, each in an amount equal to the par value of the stock held by him, or her, or so much thereof as may be necessary; *Provided*, as to depositors, each share-holder shall be liable in a sum equal to double the amount of his or her stock at par value.

Director's dealing in "futures." SEC. IX. *Be it further enacted*, That any director or officer of said bank, who shall be dealing in futures, either for himself or the bank, be it in stocks, bonds, cotton or other produce, shall be dismissed from office.

Dividends. SEC. X. *Be it further enacted*, That the directors of said bank may annually declare a dividend of so much of the net profits as they may judge expedient, after defraying the expenses and paying its debts, but before declaring such dividend shall carry one-half or more of its net profits of the preceding year to its surplus fund, and in case said surplus fund reaches an amount equal to the capital stock paid in, the directors may cancel said surplus fund by issuing certificates of stock to each stockholder, in proportion to his or her original stock, which stock shall be held subject to the same rules governing the original stock, and in estimating the net profits of said bank, no-assets shall be accounted as solvent, which are over six months past due, unsecured and not in process of collection, and all such insolvent debts shall be charged off before such surplus is set aside, or any dividend declared.

Surplus fund.

Computation of profits.

SEC. XI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved August 27, 1887.

CHANGING NAME OF THE CAPITAL CITY LAND IMPROVEMENT
AND BANKING COMPANY OF ATLANTA, GEORGIA.

No. 139.

An Act to amend an act entitled "An Act to incorporate the Capital City Land Improvement and Banking Company of Atlanta, Georgia," approved December 20th, 1886, for the purpose of changing its name to the Capital City Bank.

SECTION I. *Be it further enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*,

Name changed to the "Capital City Bank." That from and after the passage of this Act, the first Section of the above recited act be amended by striking out the words in 14th and 15th lines thereof, "Capital City Land Improvement and Bank-

Changing name of the Capital City Land Improvement and Banking Co. of Atlanta, Ga.

ing Company of Atlanta, Georgia," and inserting in lieu thereof the words, Capital City Bank, so that when said section shall be amended by striking therefrom and inserting in lieu thereof, it shall read as follows, to wit:

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the Capital City Land and Improvement Company of Atlanta, Georgia, a corporation by virtue of an order granted by the Superior Court of Fulton county, at the spring term, 1884, thereof, with power to buy, sell, improve, lease or rent any real estate; to sell such real estate, improved or unimproved, for cash or on installment to stockholders or others; to lend or borrow money; to subscribe to, purchase, own and hold bank and other stock, bonds and securities; to increase its capital stock from time to time to such an amount as it may deem necessary for its corporate purpose, not exceeding four hundred thousand dollars, or ten thousand shares, said corporation be and the same is hereby authorized and empowered to do a general banking business under the name of the "Capital City Bank," and that by and under said name it have power to sue and be sued in any court whatever; to have and to use a common seal; to make and alter such by-laws as it may deem necessary or proper for the conduct of its banking business, not in contravention of this charter or the laws of this State or of the United States; to acquire any property, real or personal, by purchase or satisfaction of any debt due it, or which may have been mortgaged or conveyed to it for moneys which have been owing to it, or advanced by it, and to control and dispose of the same as in the opinion of its board of directors may be for the best interest of said banking company; to deal in precious metals, foreign and domestic exchange; to buy, sell, discount or collect promissory notes, bills of exchange, or choses in action, claims or rents, and perform all such other acts to enforce the payment or fulfillment of any contract made to or with it, as may become necessary; to loan and borrow money; to discount and sell bonds, stocks and securities generally.

SEC. II. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 27, 1887.

Amending Charter of the Georgia Loan and Trust Company.

AMENDING CHARTER OF THE GEORGIA LOAN AND TRUST COMPANY.

No. 160.

An Act to amend an Act entitled an Act to incorporate The Georgia Loan and Trust Company, approved September 26th, 1883, so as to empower said company to issue debenture bonds to the amount of the face value of its first mortgage or trust real estate loans, instead of to an amount not exceeding ninety per centum of the face value of said loans as now provided by law.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That the Act entitled an Act to incorporate "The Georgia Loan and Trust Company," approved September 26th, 1883, printed on pages 174 to 179 of the Acts of 1882 and 1883, be, and it is hereby, amended as follows:

Third section of Act of September 26, 1883, amended.

"Amount not exceeding ninety per centum of face value" stricken.

By striking from the third section of said Act the words "an amount not exceeding ninety per centum of the face value," (said words being found in the fifth and sixth lines from the top of page 176 of the published Acts of 1882 and 1883), and to insert in lieu of the words so stricken the words, "the amount of the face value."

"The face value" inserted.

SEC. II. *Be it further enacted by the authority aforesaid,* That the said third section of said Act be amended by striking therefrom the words, "ninety per centum of the face value," (said words being found in the 11th line from the bottom of page 176 of the Acts of 1882 and 1883), and to insert in lieu of said words the words, "the face value."

May issue debenture bonds equal to face value of first mortgage or trust deed real estate loans.

SEC. III. *Be it further enacted by the authority aforesaid,* That from and after the passage of this Act, The Georgia Loan and Trust Company may, by compliance with the other requisites of its charter, issue debenture bonds to an amount equal to the face value of the first mortgage or trust deed, real estate loans, deposited with trustees for the security of said bonds.

Word "trust" stricken.

SEC. IV. *Be it enacted by authority aforesaid,* That wherever the words "mortgage or trust deed" or "mortgages or trust deeds" appear in original charter or in the amendment now before the House, the word "trust" be stricken out and the charter and amendment shall read "mortgage or deed," or "mortgages or deeds."

SEC. V. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved September, 10th 1887.

ELECTION OF VICE-PRESIDENT OF EXCHANGE BANK OF
MACON, GEORGIA.

No. 212.

An Act to amend an Act to incorporate the Exchange Bank of Macon, approved December 12th, 1871, for the purpose of authorizing the directors of said bank to elect a Vice-President and to prescribe the powers and duties of the same.

SECTION I. *The General Assembly of the State of Georgia do enact*, That the directors of the Exchange Bank of Macon shall have power and authority to elect a vice-president for said bank, on the first Tuesday in January, of each year, or whenever the president of said bank is elected, and shall have the power and authority to elect a vice-president for said bank immediately after the passage of this amendment, said term of office to last until the annual election of the president, on the first Tuesday in January next. The said vice-president shall act as president of said bank, during the absence of the president or when temporarily placed in charge of the business of said bank by the president. When to be elected.
Term.
Authority.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved September 21st, 1887.

INCORPORATING THE BUENA VISTA LOAN AND SAVINGS BANK.

No. 217.

An Act to incorporate the Buena Vista Loan and Savings Bank, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That E. M. Butt, M. Hair, J. M. Lowe, T. W. Harvey, F. H. Burchaman, W. M. Williams, T. B. Lumpkin, R. E. Clements, C. H. McCall, E. W. Miller, T. L. Rodgers, John R. Short, W. J. Short, and such other persons as are now or may hereafter be associated with them, be, and they are hereby, constituted a body corporate and politic, under the name of the Buena Vista Loan and Savings Bank and under said name, may sue and be sued, plead and be impleaded in all courts and places whatsoever, may have and use a common seal with power to alter the same from time to Corporators.
Corporate name.
General powers.

Incorporating the Buena Vista Loan and Savings Bank.

time, and by that name shall be capable of purchasing, taking, holding and enjoying to them and their successors all property of every nature, whether real or personal, and of selling, leasing or otherwise disposing of the same, or any part thereof, and said corporation is hereby granted all such powers as are necessary for the purpose of promoting the objects of said corporation and not inconsistent with the laws of said State.

Principal office. SEC. II. *Be it further enacted*, That the principal office of said Buena Vista Loan and Savings Bank, shall be located in the town of Buena Vista, in the county of Marion, said State.

Capital stock. SEC. III. *Be it further enacted*, That the capital stock of said corporation shall be twenty thousand dollars, or (400) four hundred shares of (\$50.00) fifty dollars each, with the privilege of increasing the same to (\$50,000) fifty thousand dollars, or (1,000) one thousand shares of (\$50.00) fifty dollars each; *Provided*, that said capital stock shall only be increased after a vote by the stockholders at a meeting called by the board of directors for that purpose, in which vote at least three-fourths of the paid up capital stock shall be represented, and at least two-thirds of the said entire paid up capital stock shall vote for said increase of said capital stock; said capital stock shall be paid in in monthly installments in such sums as may be prescribed by the board of directors, not to be less than (\$2.00) two dollars monthly per share, and such payments shall continue until the entire stock subscribed shall be paid, any stockholder, however, being allowed to pay his entire subscribed stock in one payment.

Payments on.

Beginning business. SEC. IV. *Be it further enacted*, That as soon as (400) four hundred shares shall be subscribed and the sum of two thousand dollars paid in on said stock, said corporation shall have the right to organize and transact business. The first meeting of said Buena Vista Loan and Savings Bank shall be held after said two thousand dollars shall be ready to be paid in, and after ten days' notice by publication in the newspaper published in said town, given by any three of the incorporators, who shall also be stockholders at said meeting; and annually thereafter the stockholders shall elect of their members eleven directors, seven of whom shall constitute a quorum to transact business. The board of directors shall select one of their number president, shall also elect a cashier and an attorney for said bank, which officers must be stockholders in said bank, and shall perform such duties and receive such compensation as the board of directors may prescribe and fix. The board of directors shall make semi-annual reports to the stockholders and the cashier quarterly reports to the board of directors; *Provided*, also, that the affairs of said bank shall always be subject to the inspection of as many as one-fifth of the stockholders, upon the request of so many in writing to the board of directors.

Stockholders' meetings.

Directors.

Officers.

Reports.

Inspection.

SEC. V. *Be it further enacted*, That said board of directors

Incorporating the Buena Vista Loan and Savings Bank.

shall have full power and authority to manage and control the business of said bank, to establish rules and by-laws for its government, to provide for all cases of default made by any stockholders in the payment of any installment of subscribed stock, to provide for the forfeiture or transfer of stock, and generally to do and perform all things necessary to promote the objects of the corporation.

Management of business, etc.

SEC. VI. *Be it further enacted*, That said Buena Vista Loan and Savings Bank shall have the right to do a general banking business, to receive deposits, discount papers, buy and sell exchange, to acquire and hold and sell real or personal property, in case of sale making titles to the same in its corporate name, and perform all acts usual in such cases. Said bank shall have authority to loan money on real estate, mortgages on personal property or such other security as the board of directors may approve or determine for any period that may be agreed upon by the borrower in writing, at any rate of interest not exceeding the highest contract rate allowed by law, and may charge such interest for the full period of the loan, and collect the same together with the principal, without rebate or discount, by monthly installment, the borrower executing his note, draft or other written contract for such installments of principal and interest as aforesaid; and in all cases all the laws applicable to the sale of securities real or personal, pledged or conveyed to loan and building associations, are made applicable to the Buena Vista Loan and Savings Bank.

Banking powers, etc.

SEC. VII. *Be it further enacted*, That it shall not be lawful for said Buena Vista Loan and Savings Bank to charge more interest than is provided for by law on any of its loans or discounts, and that all charges for interest over the legal rate per cent. per annum shall be forfeited to the borrower; *Provided, however*, that the claimant shall give notice to the president of said Buena Vista Loan and Savings Bank, by commencing suit within six months from the payment of said interest or the time of the discount, for the recovery of the excess of interest, or the right of such claimant to recover said excess of interest shall be forever barred.

Interest and usury.

Suits for usury.

SEC. VIII. *Be it further enacted*, That each stockholder of said corporation shall be individually liable for the debts of the company to the amount of his or her unpaid subscription to the capital stock of the company, and in addition thereto each stockholder shall be individually liable to the creditors of said company in an amount equal to the capital stock subscribed or held by him or her at the time the debts sought to be collected may have been created.

Liability of stockholders.

SEC. IX. *Be it further enacted*, That this charter shall continue

Incorporating the Austell Banking Company.

Term of
charter.

in force for a term of fifty years, with the privilege of renewal at the expiration of said time.

SEC. X. *Be it further enacted*, That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed.

Approved September 22, 1887.

INCORPORATING THE AUSTELL BANKING COMPANY.

No. 222.

An Act to incorporate the Austell Banking Company; to define its powers and duties; and for other purposes.

Corpora-
tors.Corporate
name.
General
powers.Banking
powers,
etc.Safe de-
posit.General
deposits.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That T. G. Healey, W. R. Berry, J. A. Scott, John Thompson, N. A. Morse and J. B. Humphries, and their associates and successors, are hereby constituted a body corporate and politic under the name of the Austell Banking Company, of Austell, Cobb County, Georgia, with power by this name to sue and be sued in any court whatever; to have and use a common seal; to make, alter, and repeal such by-laws as they may deem necessary or proper for the conduct of the business of the corporation, not in contravention of this charter or the laws of this State or the United States; to acquire any property, real or personal, by purchase or satisfaction of any debt due said corporation or which may have been conveyed or mortgaged to said corporation for moneys which have been owing to it or advanced by it, and to control and dispose of the same as in the opinion of the Board of Directors may be for the best interest of the corporation; to deal in precious metals, foreign and domestic exchange; to buy, sell, discount or collect promissory notes, bills of exchange, or choses in action, claims or rents and perform all such acts or to enforce the payments or fulfillment of any contract made to or with it as may become necessary; to loan and borrow money; to discount and sell bonds, stocks and securities generally, and to do a general banking business.

SEC. II. *Be it further enacted*, That said corporation shall have power and authority to receive for safe deposit all moneys, bonds, stocks, diamonds, gold, silver and all other valuables and charge a reasonable compensation for the same.

SEC. III. *Be it further enacted*, That said corporation shall have power and authority to receive on deposit all sums of money which may be offered for the purpose of being invested in such sums and at such times and on such terms as the by-laws of the corporation shall prescribe, and which shall be repaid to such depositors at such times and with such interest, not exceeding the

Incorporating the Austell Banking Company.

lawful rate, and under such regulations as the Board of Directors shall from time to time prescribe, and if money is deposited by any minor such money may be withdrawn by the minor, without the consent of the parent or guardian of such minor. Minors.

SEC. IV. *Be it further enacted*, That the capital stock of said corporation shall be fifteen thousand dollars, divided into one hundred and fifty shares of one hundred dollars each, with power to the Board of Directors of said corporation to increase the same to any amount not exceeding one hundred and fifty thousand dollars upon giving ten days notice of such intention to increase, to all of the stockholders of said corporation, stating the amount of such increase. Capital stock.

SEC. V. *Be it further enacted*, That as soon as there shall be fifteen thousand dollars of the capital stock subscribed, and twenty-five dollars per share actually paid in, the said stockholders may organize and proceed to business; the powers of the corporation shall be exercised by a board of directors, not less than five and more than seven persons, to be chosen as hereinafter provided, who shall elect from their number a president and a vice-president; said directors shall also elect a cashier; appoint from time to time, or at any time, such other officers and agents as in their judgment the business may require; fix their compensation, dismiss them and take bonds from persons so selected or appointed in such sums as they may deem proper for the faithful execution of their duties. The directors of the corporation shall be elected upon the first organization upon a call of a majority of the incorporators herein named, of a meeting, at which each stockholder shall have written notice, and annually thereafter on a day to be appointed by the first meeting of the stockholders, and the directors shall continue in office until their successors are elected and qualified. A majority of said directors shall have power to act at all meetings of the board and to fill any vacancies that may occur in the board. Each stockholder shall be entitled, at all elections of said corporations, to one vote for each share of the capital stock held or owned by him, her or them, in their own right or in any fiduciary capacity; each stockholder shall vote in person or by proxy, under written power of attorney, but no stock shall be voted which may be in arrears for installments or other dues until such arrears are paid in full. Beginning business.
Directors.
Other officers, etc.
Election of directors.
Term.
Quorum Vacancies.
Vote of stockholders.

SEC. VI. *Be it further enacted*, That the principal office shall be located in Austell, Cobb County, Georgia. Principal office.

SEC. VII. *Be it further enacted*, That each stockholder in said corporation shall be individually liable for the debts of the corporation to the amount of his or her unpaid subscription to the capital stock of the corporation, and the stockholders of said

Incorporating the Albany Savings Bank.

Liability
of stock-
holders.

corporation shall be individually liable to creditors of said corporation to the amount of the capital stock subscribed or at any time held by them respectively.

SEC. VIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved September 22, 1887.

INCORPORATING THE ALBANY SAVINGS BANK.

No. 223.

An Act to incorporate the Albany Savings Bank.

Corpora-
tors.

Corporate
name.
General
powers.

Bankin
powers,
etc.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That M. P. Callaway, H. J. Cook, G. M. Byne and J. Ventulette, and their associates and successors, are hereby constituted a body politic and corporate under the name of the Albany Savings Bank, with power under this name to sue and be sued, to have and use a common seal, and should they so desire it, make and alter such by-laws as they may deem necessary for the business of said bank in payment or satisfaction of any debt which may be due to them, or may be mortgaged or may be pledged to them to secure any debt, and issue certificates therefor, to loan and borrow money at such legal rates of interest as may be agreed upon, to discount, buy and sell bonds, stocks and securities generally, buy and sell bills of exchange and promissory notes, to do a general banking and exchange business, and for accomplishing and carrying into effect all these various privileges they are authorized to issue and execute such deeds, contracts and receipts as may be necessary to legally and effectually carry out and into effect all the various rights and privileges hereunto granted.

Capital
stock

SEC. II. *Be it further enacted*, That the capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, and with power to increase the same to any amount not exceeding five hundred thousand dollars by the vote of a majority of the directors of said Savings Bank.

Beginning
business.

SEC. III. *Be it further enacted*, That as soon as fifty thousand dollars of the capital stock has been subscribed and one-half thereof actually paid in, in lawful money of the United States

the stockholders may organize and proceed to transact business under this Act. The corporate powers of said Savings Bank shall be exercised by a board of directors of three to five persons, to be chosen as hereinafter provided, who shall elect from this number a president; said directors shall be elected by the stockholders at will upon the organization of said bank, and upon the second Wednesday in January in each year thereafter; *Provided*, if no such election is held, the president and directors shall continue in and hold their offices until their successors are elected.

Directors
and president.
Election.

SEC. IV. *Be it further enacted*, The board of directors shall have power to elect a cashier and such other officers as may be deemed necessary to effectually carry on the business of said bank.

Other
officers.

SEC. V. *Be it further enacted*, The minutes of the proceedings of the board of directors and stockholders shall be kept in a book prepared for that purpose; shall be signed by the cashier, and the same shall at all times be subject to the inspection of any stockholder.

SEC. VI. *Be it further enacted*, That the manner of transferring stock and issuing scrip therefor shall be the method usually adopted by banking institutions.

Stock
transfers,
etc.

SEC. VII. *Be it further enacted*, The board of directors shall have power to call in assessments on subscribed stock and make such rules and regulations concerning the same as may be necessary to effectually enforce the prompt payment of such assessment.

Payments
on stock.

SEC. VIII. *Be it further enacted*, That each stockholder of said corporation shall be individually liable for the debts of the corporation to the amount of his or her unpaid subscription to the capital stock, and shall, in addition thereto, be liable to creditors of said corporation to the full amount of the capital stock subscribed to, or held by them, at the time the debt sought to be collected may have been created.

Liability of
stockholders.

SEC. IX. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved September 22d, 1887.

INCORPORATING THE CITIZENS BANK OF SAVANNAH.

No. 231.

An Act to incorporate the Citizens Bank of Savannah; to provide for the merger of the Citizens Mutual Loan Company into said bank, and for other purposes.

Corpora-
tors.

Corporate
name.
General
powers.

Banking
powers,
etc.

SECTION I. *The General Assembly of the State of Georgia do enact*, That George C. Freeman, Frederick M. Hull, Samuel B. Palmer, George N. Nichols, Charles H. Dorsett, Charles H. Olmstead, Robert D. Walker, Nathaniel Lovell, Adam C. Harman, William G. Cooper and Henry C. Cunningham, and their associates and successors, are hereby constituted a body corporate and politic, under the name of the Citizens Bank of Savannah, with power by this name to sue and be sued in any court whatever; to have and to use a common seal; to make, alter and repeal such by-laws as they may deem necessary or proper for the conduct of its business, not in contravention of this charter or of the laws of this State, or of the United States; to acquire any property, real or personal, by purchase or satisfaction of any debt due the said corporation, or which may have been mortgaged or conveyed to said bank for moneys, which may have been owing to it or advanced by it, and to control and to dispose of the same as in the opinion of the Board of Directors may be for the interest of said Bank; to deal in the precious metals, foreign and domestic exchange; to buy, sell, discount or collect promissory notes, bills of exchange, or choses in action, claims or rent, and to perform all such acts; to enforce the payment or fulfillment of any contract made to or with it as may hereafter become necessary; to receive deposits of money and other valuables, and issue certificates therefor; to loan and borrow money; to discount and sell bonds, stocks and securities generally, and to do a general banking and exchange business; and for this purpose to receive and execute such receipts and contracts or instruments in writing as may be necessary; and to receive moneys in trust or on deposit, and to invest or accumulate the same at such rate of interest as may be obtained or agreed on, not to exceed the lawful rate, or to allow such interest thereon as may be agreed on, not to exceed the lawful rate, and to accept and execute all such trusts of every description as may be committed to it by any person or persons, or any corporation whatsoever, or may be committed or transferred to it by an order or decree of any

Incorporating the Citizens Bank of Savannah.

court, and shall have power to take and accept by grant, assign- Powers as trustees, etc.
 ment, transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, and execute such legal trusts in regard to the same on such terms as may be declared, established or agreed upon, in regard thereto; and the said corporation is hereby authorized to act as trustee by appointment of any court of this State, or under any deed or will; *Provided*, that in accepting and executing any such trusts, the said corporation shall become and be subject to all the duties and liabilities prescribed by law for the government of trustees; and funds in litigation in the various courts of this State may be deposited in the said, The Citizens Bank of Savannah, pending said litigation. That said corporation shall have power to accept and execute the office and appointment of executor of the last will and testament of any person, and of guardian of the property when appointed as such by will, but not otherwise; and the ordinaries of this State are authorized to grant letters testamentary to said corporation when it is duly appointed executor of any will; *Pro-
 vided*, that said corporation in thus becoming executor or testa- As execu-
 tor, guar-
 dian, etc.
 mentary guardian, shall be bound and subject to all the duties and liabilities imposed by law upon natural persons who are ex-
 ecutors and guardians. The said corporation shall have power to accept and execute the office of agent, assignee, receiver, whether Agent,
 assignee,
 receiver,
 etc.
 such office or appointment be conferred by any person or persons, or by any corporation, or by any court, either of the United States, or of this State. That all laws of force in the State, and not con-
 trary to the provisions of this Act, concerning executors, admin-
 istrators, guardians, trustees, assignees or receivers, shall apply to this bank when appointed to such office; and said corporation hereby created shall have power to act as fiscal agent for any Fiscal
 agents.
 corporation or municipality, for issuing, registering and counter-
 signing bonds, certificates of stock, and for paying coupons; and when the management of any estate or funds is vested in said Bank, under the provision of this Act, said Bank may be sued as Venue of
 suits
 against.
 to any matter connected therewith, in the county in which the appointment is made, and it shall be the duty of the company to have an agent in every such county, upon whom service can be Service,
 etc.
 effected; and in case they fail to have such agent, they may be served by publication as non-resident defendants in equity cases are now served.

SEC. II. That the capital stock of said corporation shall be two Capital
 stock.
 hundred thousand dollars, divided into two thousand shares of one hundred dollars each, with power to the directors of said bank to increase the same to any amount not exceeding five-hun-
 dred thousand dollars, upon giving public notice of such inten-

Incorporating the Citizens Bank of Savannah.

tion to increase, for thirty days, in a public gazette published in the city of Savannah, in which notice, the amount of the proposed increase of the capital stock of said bank shall be specified.

Beginning business. SEC. III. That as soon as there shall have been two thousand shares of the capital stock subscribed for, and forty dollars per share thereof actually paid in lawful money of the United States, the said stockholders may organize and proceed to business under this Act. The corporate powers of said bank shall be exercised by a board of directors of not less than four nor more than thirteen persons, to be chosen as hereinafter provided, who shall elect from their number a president and vice-president. Said directors shall also elect a cashier, and appoint from time to time, or at any time, such other officers and agents as in their judgement the business may require, fix their compensation, dismiss them, and take bond from persons so elected or appointed, in such sums as they may deem proper, for the faithful execution of their duties.

Directors.

Other officers.

The directors of said bank shall be elected by the stockholders upon its first organization, at such time as a majority of them may determine, and annually thereafter on the second Tuesday in June of each year, or within ten days thereafter, and shall continue in office until their successors are elected and qualified. A majority of said directors shall have power to act at all meetings of the board, and to fill any vacancies that may occur in the board.

Elections of directors.

Term.

Quorum.

Vote of stockholders.

Each stockholder shall be entitled at all elections of said bank to one vote for each share of the capital stock held or owned by him, her or them, in their own right, or in any fiduciary capacity; each stockholder shall vote in person, or by proxy under written power-of-attorney, but no stock shall be voted which may be in arrears for installments, fines or other dues until such arrears are paid in full.

Minutes. SEC. IV. That the minutes of the proceedings of the board of directors shall be kept in a book provided for that purpose and shall be signed by the president and cashier, and the same shall be at all times subject to the inspection of any stockholder.

Payments for stock. SEC. V. That each stockholder shall pay at least twenty per centum upon his stock at the time of subscription for the same, and subsequently shall pay into the bank in par funds at least one dollar in each week on each share so subscribed for, or held until the value of each share from said payment shall be one hundred dollars. The dividend which shall be declared by the board of directors shall be entered to the credit of the several stockholders of the bank on the books thereof, and in no case shall the dividends so declared be paid out to a stockholder until his, her or their shares have reached their par value. Stockholders shall be entitled to a certificate of stock when the full amount

Dividends.

Incorporating the Citizens Bank of Savannah.

of one hundred dollars per share shall have been paid in upon the same. All transfers of the stock of said bank shall be made in person, or by written power of attorney, in a book to be kept in the bank for that purpose, and in accordance with the by-laws of said bank. Certifi-
cates of
stock.
Transfers.

SEC. VI. That the by laws of said bank shall be binding upon all its stockholders, and the payment of all installments and other dues to the bank by its stockholders may be enforced by such other penalties as may be from time to time provided in its by-laws. By-laws.
Enforcing
payments
for stock.

SEC. VII. That on the first Tuesday in June in each year the Board of Directors shall make a statement of its assets and liabilities, which statement shall be verified by the oath of the cashier made before any officer authorized to administer the same, which statement shall be recorded in a book kept in said bank for that purpose, and subject to the inspection of the stockholders. Annual
statement
of condi-
tion.

SEC. VIII. That the corporation chartered under an order of the Superior Court of Chatham county, dated April 23, 1873, under the name of the "Citizens' Mutual Loan Company," now doing business in the city of Savannah under said charter, be, and it is hereby, authorized and empowered to merge its stock into the stock of the bank hereby created, in such manner that each and every owner and holder of the shares of the capital stock of the said Citizens' Mutual Loan Company shall be entitled to and receive an equal number of shares of the capital stock of said bank; *Provided*, that nothing herein contained shall release or discharge said Citizens' Mutual Loan Company from any contract heretofore entered into, but that all such contracts shall be assumed by and be binding on the said Citizens' Bank of Savannah, and all benefits, advantages and rights under the same shall accrue to and vest in the said bank hereby created; and *provided* further, that said merger of said Citizens' Mutual Loan Company into the said Citizens' Bank of Savannah shall only take place when at least two-thirds of the stockholders of said Citizens' Mutual Loan Company, estimated by the numbers of shares held by each, have assented thereto, either in a stockholders' meeting called for that purpose, or by written authority to the directors of said company, by the stockholders representing at least two-thirds of the stock of said company and the stock of said bank; that the proper officers of said company are hereby authorized and empowered to transfer, assign, set over and convey to said bank all the assets, choses in action, estate, real and personal, all evidence of debt of all kind whatsoever, and upon the making of such an assignment by said Citizens' Mutual Loan Company, the title of such property Manner of.

Proviso.

Assent of
stockhold-
ers.

Transfer of
assets,
etc.

Amending Charter of the Bank of Thomasville.

shall rest in, and all the rights of said Citizens' Mutual Loan Company shall become transferred to the Citizens' Bank of Savannah as completely as if the contracts under which said property was held by said Citizens' Mutual Loan Company had been originally made with said Citizens' Bank of Savannah.

Book of
subscription

Effect of
subscriptions.

Liability
to credi-
tors.

SEC. IX. That within six months from the passage of this Act, the persons named in the first section of this Act, or any of them, shall open books of subscription in the city of Savannah, where said bank shall be located, and keep such books open as long as they think proper, to receive subscription to the stock of said corporation hereby created; all subscriptions to the capital stock of said bank shall be binding upon the subscribers and upon their heirs, assigns and legal representatives, and shall be payable as heretofore provided in this Act.

SEC. X. The said Citizens' Bank of Savannah shall be responsible to its creditors to the extent of its property and assets: and each stockholder shall be liable to the creditors of the bank as a surety for the debts of the bank in an amount equal to the par value of the stock held by him at the time the debt was created.

SEC. XI. All laws and parts of laws conflicting with this Act be, and the same are hereby repealed.

Approved Sept. 27, 1887.

AMENDING CHARTER OF THE BANK OF THOMASVILLE.

No. 232.

An Act to amend an Act to incorporate the Bank of Thomasville, in this State, approved March 3d, 1875, and for other purposes.

Change of
corpora-
tors.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same,* That section one of the above recited Act be, and the same is hereby amended by striking therefrom the names of Isaac Kulitshech and Jacob Kutilshech, in the third line of said section, and inserting in lieu thereof the following names, to-wit: R. Thomas, jr., E. W. Smith and H. B. Ainsworth.

Books of
subscription.

SEC. II. *Be it further enacted by the authority aforesaid,* That section seven of the above recited Act be, and the same is hereby repealed, and in lieu thereof the following shall stand as section seven, to-wit: That said corporators, namely: A. P. Wright, A. T. McIntyre, Thomas C. Mitchell, R. Thomas, jr., E. W. Smith, H. B. Ainsworth and C. W. Stegall, or a majority of them, are

Amending Charter of the Bank of Thomasville.

hereby authorized to open books of subscription to the capital stock of said bank, in the city of Thomasville, at the banking house of A. P. Wright and Company, and shall keep them open until the amount of one hundred thousand dollars shall have been subscribed thereto.

SEC. III. *Be it further enacted by the authority aforesaid, and it is hereby enacted by the authority of the same,* That said Bank of Thomasville, after the same shall have organized with not less than one hundred thousand dollars of paid up capital, shall have the right at any time to create and establish a savings department as hereinafter provided. Whenever the stockholders, or a majority of them, may deem it advisable, they may authorize the directors of said bank to open books of subscription to the capital stock of said bank, to be paid as herein provided, and shall fix the amount of stock to be thus subscribed. All subscriptions to the capital stock shall be binding upon the subscribers, and upon their heirs and assigns and legal representatives, and shall be payable in such installments as the directors may require. If any subscriber shall fail to pay any such installment within sixty days after the same is due, according to the by-laws of said bank, his stock shall be in default and the same shall be sold to the highest bidder for cash, on the first Tuesday of any month after the expiration of said sixty days, the same to be sold by some officer or agent of said bank, publicly at the court house door, between the legal hours of sale. At least ten days' written notice shall be given the delinquent subscriber of the time and place of sale. Notice of said sale for a like period shall be posted at the court house door and in some conspicuous place in the office of said bank. Any stock so sold may be bought in by and for said bank, and be re-issued to some other person upon his paying up the value of the same, including unpaid installments, the delinquent subscriber receiving the surplus, if any, over and above the expenses incident to said sale, advertisement charges and attorney's fees, if any; and any deficiency in the sum thus received, necessary to make up the amount due and expenses, shall be made good to said bank by the delinquent, said bank having the right to sue for the same. A new certificate shall be issued to the purchaser, and he shall stand in the same relation to said bank as the delinquent would have done had he not so made default. If installments on stock are paid after due, and before the expiration of sixty days, the stockholder or subscriber so paying shall also pay interest at the rate of seven per cent. per annum from the time said amount was due. Whenever a subscriber shall pay up his subscriptions in full he shall have issued to him one share of the paid up capital stock of said bank for each one hundred dollars paid, and shall thereafter have all the rights of an original stockholder to the extent of the stock held by him. The directors shall annually or semi-annually, as they may deem best,

Savings department.

Subscriptions for stock.

Failure to pay.

Issue of shares.

Amending Charter of the Bank of Thomasville.

Dividends pay such rate of interest to those stockholders paying on the installment plan as the business of said bank may justify, and as would be equitable and just, the amount paid in by each subscriber, and the time of its payment being considered.

Increase of stock. SEC. IV. *Be it enacted by the authority aforesaid, and it is hereby enacted by the same,* That said bank may, from time to time, open its books anew for subscriptions to its stock on the installment plan as herein provided, keeping always within the limit of stock in original charter named.

Number of directors. SEC. V. *Be it further enacted by the authority aforesaid, and it is hereby enacted by the same,* That section three of the above recited Act be amended by striking from the seventh line of the same, the word five, and inserting in lieu thereof the word thirteen.

Term of charter. SEC. VI. *Be it further enacted by the authority aforesaid, and it is hereby enacted by the same,* That the charter of said bank heretofore granted and hereby amended, shall be of force and effect for the term of fifty years from the passage of this Act.

Interest on deposits in savings department. SEC. VII. *Be it further enacted by the authority aforesaid,* That said bank shall have the right, at pleasure, to open a savings department, paying such interest on deposits as may be agreed on by the parties, and not in violation of law.

May be executor and guardian. SEC. VIII. *Be it further enacted by the authority aforesaid,* That said Thomasville Bank shall have power to accept and execute the office and appointment of executor of the last will and testament of any person, and of guardian when appointed as such by will, but not otherwise; and the Ordinaries of this State are authorized to grant letters testamentary to said bank when it is duly appointed executor of any will. Said bank shall have power to accept and execute the office of agent, assignee, receiver or trustee of every kind whatever, whether the office or appointment shall be conferred by any person or persons, or by any corporation, private or public, or by any court, either of the United States, or of the State of Georgia. The capital stock, property and assets of said bank shall be absolutely liable for the faithful management of the trust confided to its care as executor, guardian or trustee, agent, assignee or receiver, as aforesaid. All laws of force in this State, and not contrary to provision of this Act, concerning executors, administrators, guardians, trustees or receivers, shall apply to this bank, when appointed to such office.

Agent, assignee, receiver, etc.

SEC. IX. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 28, 1887.

INCORPORATING THE BANK OF CUTHBERT.

No. 246.

An Act to incorporate the Bank of Cuthbert, to be located in Cuthbert, Georgia.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That Giles D. Webb, Andrew J. Moye, James M. Rawls and Arthur Hood, and such other persons as may be associated with them, and their successors and assigns, are hereby constituted a body corporate under the name of Bank of Cuthbert, to be located in the city of Cuthbert, Randolph county, Georgia. Corporators.
Corporate name.

SEC. II. *Be it further enacted*, That the capital stock of said company shall be thirty-five thousand dollars, with the privilege of increasing the sum of one hundred thousand dollars. Said stock to be divided into shares of one hundred dollars each, and when there shall be thirty-five thousand dollars of said capital stock subscribed, and twenty thousand dollars actually paid in lawful money of the United States, the said company may organize and proceed to business under this Act. Capital stock.
Beginning business.

SEC. III. *Be it further enacted*, That when the subscription authorized in the second section of this Act shall be thirty-five thousand dollars or more, and when twenty thousand dollars or more, in lawful money of the United States, shall have been received by the commissioners provided for in this Act on account of subscriptions, then the said subscribers shall be and become a body corporate and politic, with continued succession under the name of the Bank of Cuthbert, and by that name shall exercise corporate powers, and be competent to contract and be contracted with, sue and be sued, plead and be impleaded in any court having jurisdiction of the subject matter involved, and shall have power to take, receive, purchase and hold as security for or in payment of any loans or advances made or otherwise, real, personal or mixed property, so far as may be necessary for the safe and convenient prosecution of the business of said bank, as a bank of discount and deposit, and may execute and issue all such receipts, certificates, contracts, deeds or other instruments as may be necessary, and said bank shall have power to make, use, renew and alter at pleasure a corporate seal, and do all acts and things necessary or proper to carry into effect the objects and purposes of this Act and the business of said corporation not inconsistent with the laws of this State or of the United States. General corporate powers.

SEC. IV. *Be it further enacted*, That said corporation shall have power to receive money on deposit; to lend and borrow money,

Incorporating the Bank of Cuthbert.

Banking powers, etc. take and give therefor such securities as may be considered best; to purchase and discount notes and bills of exchange, stocks and bonds; to lend money for others and charge therefor commissions as hereinafter provided, and do all acts it may deem advisable and profitable investment of the funds of said bank and the exercise and enjoyment of its corporate powers.

Limitation as to loans, etc. SEC. V. *Be it further enacted*, That the total liabilities to said bank of any person, firm, company or corporation, including in said liabilities of firm, corporation or company, the liabilities of the several members thereof for money borrowed, shall at no time exceed one-tenth part of the capital stock of said bank paid in, but the discount of bills of exchange drawn in good faith, and the discount of commercial paper actually owned by the person negotiating the same, shall not be considered as borrowed money.

Rights as to loans. SEC. VI. *Be it further enacted*, That said bank shall be authorized to lend money and take as security therefor personal surity, notes, mortgages and other evidences of debt, of value as collateral security and deeds to land, giving bond for titles to the borrower; to reconvey same and make such lawful charges as may be agreed upon in addition to the legal rate of interest for securing satisfactory investigation of titles and necessary deeds and mortgages.

Loan brokerage, etc. SEC. VII. *Be it further enacted*, That said bank shall be authorized and empowered to make and negotiate loans to any party or corporation, for any length of time, upon improved real estate security in this State, said loans to be secured by first mortgage or deeds, and upon all such loans it may have the right to guarantee, if it may so decide, the payment of both the principal and interest, or either, and upon such loans so secured said corporation shall have, and it is hereby given the right to charge for expenses of investigating and abstracting titles, inspecting and reporting on property offered as security and for making or negotiating or guaranteeing the payment of said loans, such lawful sum, in addition to interest, not in excess of the legal rates as may be agreed upon by the borrower and said corporation.

Directors. SEC. VIII. *Be it enacted*, That the business and corporate powers of said bank shall be exercised by a board of not less than five nor more than nine directors, to be chosen as hereinafter provided, who shall elect from their number a president, may declare by-laws for their government, not inconsistent herewith, fix the number of directors, who shall be a quorum for the transaction of business, the day of meeting of said board and the salaries of its officers. A majority of said directors shall be citizens of this State, and each director shall be owner, in his own name, of not less than three shares of said stock. Said board shall have power to elect a president and cashier, and such other officers as the interest and business of said bank may require.

President. By-laws, etc.

Qualifications of directors.

Officers.

SEC. IX. *Be it further enacted*, That the directors of said bank ^{Dividends.} may, semi-annually, declare a dividend of so much of the net profits as they may judge expedient after defraying the expenses and paying its debts, but before declaring such dividends they shall carry one tenth part of its net profits of the preceding half year to the surplus fund until the same shall amount to twenty per cent. of its capital stock, and in estimating the net profits of said bank, no assets shall be accounted as solvent which are six months past due, unsecured and not in process of collection, and all such insolvent debts shall be charged off be foresaid surplus is set aside or any dividends declared.

SEC. X. *Be it further enacted*, That the board of directors shall ^{Stock certificates.} issue to each stockholder certificates of stock truly representing his or her interest, and such stock shall be held bound to the corporation for any dues or indebtedness by said stockholder to the company, and no stockholder who may be indebted to said bank either as principal, security or endorser, shall, while so indebted, sell or transfer the stock held by him or her without the consent ^{Transfers of.} of the president and directors of said bank, and all sales and transfers of stock in said bank must, in order to be valid, be made in the register and transfer books of the company by the owner of the stock or his lawfully appointed attorney in fact.

SEC. XI. *Be it further enacted*, That the persons named in the first section of this Act, or any two of them, or their successors or assigns, shall be, and they are hereby appointed commissioners to ^{Books of subscription.} open books of subscription to the capital stock of said bank at such time and place, and to keep them open for such a length of time as they may deem proper, but for no less amount of subscription than thirty five thousand dollars. The directors of said bank shall be elected by a majority at interest of the stockholders ^{Election of directors.} thereof voting at said election under the inspection of said commissioners, at such place as they may designate, within twenty days after the closing of the subscription called for by them, and on the first Monday in January in every year thereafter. No election shall be valid when a majority of the whole stock paid in is not represented, and in any election of directors, and in all questions that may come before any convention of stockholders, each share of one hundred dollars shall entitle the owner to one vote. Vacancies occurring in the board of directors during the intervals ^{Vacancies.} of elections may be filled by said board, and it shall be the duty of the president of said board to prepare and lay before the stockholders thereof semi-annual statements of the business and ^{Statements of business, Returns, etc.} credits of the bank, its assets and liabilities, and to make such returns to the Governor of the State as are required by law. Should there be no election of directors at any annual meeting, as here-

Incorporating the Bank of Cuthbert.

Failure to elect directors. in provided, the directors then in office shall continue until the next election. The minutes of the board of directors shall be kept in a book provided for that purpose, and signed by the president, chairman or secretary, and these minutes shall at all times be subject to the inspection of any stock holder.

Minutes.

Payments for stock. SEC. XII. *Be it further enacted,* That after twenty thousand dollars or more have been paid in before the expiration of the twenty days next after the closing of the books of subscription, as hereinbefore provided, the unpaid balance of the stock subscribed, if any, shall be called for and paid in within twelve months next after said books are closed, at such times and in such sums as the board of directors may determine under the penalties provided in the next section; but the subscribers may, without such call, tender the money for said unpaid shares to the board, and receive certificates of stock therefor, but after said twelve months shall have expired as aforesaid, then any increase above the original subscription shall be first authorized by the votes of a majority of all the directors of said bank.

Increase of stock.

Failure to pay for stock. SEC. XIII. *Be it further enacted,* That in case any subscriber to the stock of the company shall fail or refuse to pay any of the assessments or calls for payment which may be made by the commissioners, or board of directors, within the time required as aforesaid, the board of directors may, at any time thereafter, proceed to enforce the payment of the entire indebtedness for subscription of stock of such defaulting subscriber, by bringing suits therefor, in any court of the State having jurisdiction thereof, where such defaulting subscriber resides, or the stock of such delinquent may by resolution of the board of directors, after five days' notice, be sold, in which case the part previously paid in, after deducting all expenses incident to suit or default, the remainder paid back to said delinquent stockholder.

Cashier. SEC. XIV. *Be it further enacted,* That the cashier, who may also be a director, shall be elected by the board of directors and shall give such bond in such sums as they may require. It shall be the duty of the cashier to keep safely all moneys, notes, bonds, bills or other property committed to his care, or shall come into his possession in the regular course of business, and he shall have power to bind the company or corporation by signing checks, receipts or certificates of deposit in conducting the business of the bank.

Liability of stockholders. SEC. XV. *Be it further enacted,* That each stockholder shall be individually liable to the creditors of said Bank of Cuthbert to the amount of his unpaid stock, or the balance due thereon, and shall be individually responsible equally and ratably, and not one for another, for all contracts, debts and engagements of such bank

Amending Charter of the Commercial Bank of Augusta.

to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

SEC. XVI. *Be it further enacted*, That this charter shall continue of force for a term of fifty years. Term of charter.

SEC. XVII. *Be it further enacted*, That all laws and parts of laws, in conflict with this Act be, and the same are hereby repealed.

Approved September 29th, 1887.

AMENDING CHARTER OF THE COMMERCIAL BANK OF
AUGUSTA.

No 275.

An Act to amend Charter of the Commercial Bank of Augusta,
and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That in addition to the powers heretofore conferred upon the Commercial Insurance Company of the city of Augusta, the name of which was changed by amendment to that of the Commercial Bank of Augusta, said company is hereby authorized and empowered to receive, purchase, own, hold and use property of all descriptions and alien, convey, lease and mortgage the same; to receive money on deposit and to issue certificates of deposit on any terms agreed on; to loan and borrow money; to take and give security as may be considered best; to invest its funds in such manner and upon such terms as it may deem best; to transfer its property at pleasure of the board of directors; to receive valuables or other articles of personal property, including certificates of stock, stock bonds, deeds, mortgages, notes or other evidences of debt or security, on deposit and under such lawful terms as may be agreed on for safe keeping, from any person or persons, as well as from executors, administrators, guardians, receivers, trustees, corporations, public and private officers, and all other fiduciary agents or persons, charging and receiving therefor proper lawful compensation, or such as may be agreed on; to buy, sell, discount or collect promissory notes, bills of exchange, accounts, bills of lading, contracts, claims, receipts, judgments, executions, *fi. fas.*, tax *fi. fas.*, rents, mortgages, bonds, securities and evidences of debt generally; to buy, sell, rent, improve, mortgage, lease, manage, or otherwise to have, hold, operate in or control any real or personal property in this State; to negotiate advances and loans upon the same; to invest Property rights.
Banking powers, etc.
Loan brokerage, etc.

Incorporating the Bank of Sandersville.

funds for others upon such lawful terms as may be agreed on ; to receive mortgages, bills of sale, or deeds in trust to said bank, receiving negotiable notes or bonds ; to receive savings or deposit under such requirements and regulations as may be prescribed by the board of directors, paying such lawful interest as may be agreed on ; to accept and execute the office of executor, trustee, agent, assignee or receiver ; to act as fiscal agent for any city, town, corporation or person for negotiating, issuing, registering, selling, countersigning bonds, certificates of stock or other obligations ; from time to time to decrease its capital stock to a sum not less than one hundred and fifty thousand dollars, or to increase the same to a sum not greater than one million dollars ; that married women and minors, or other persons depositing with said bank, shall be authorized to check out and draw the sums deposited, and such deposits shall not be subject to the claims, debts, checks or control of the husband, parents, guardians, trustee or other fiduciary agent of the person making the deposit ; to give bond for titles to person borrowing from said bank, and make such lawful charges as may be agreed on for receiving satisfactory investigation of titles and recording deeds and mortgages. The charter powers of said company are hereby extended for the term of thirty years.

Savings.

Rights as executor, trustee, receiver, etc.

Change of capital stock.

Deposits of married women and minors.

Bond for titles. Charges on real estate loans, etc. Term of charter.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved October 3, 1887.

INCORPORATING THE BANK OF SANDERSVILLE.

No. 301.

An Act to incorporate the Bank of Sandersville, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That M. Happ, L. Cohen, W. A. McCarty, George D. Warthen, R. L. Warthen, S. G. Jordan and J. T. Youngblood, and such other persons as may be associated with them, and their successors and assigns, are hereby constituted a body politic under the name and style of the Bank of Sandersville, to be located in the city of Sandersville, State of Georgia.

Corporators.

Corporate name.

Capital stock.

SEC. II. *Be it further enacted*, That the capital stock of said bank shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars ; said stock to be

Incorporating the Bank of Sandersville.

divided into shares of fifty dollars each, and when there shall be twenty-five thousand dollars actually paid in in lawful money of the United States, the said company may organize and proceed to business under this Act. Beginning business.

SEC. III. *Be it further enacted*, That when the subscriptions authorized in the second section of this Act shall be fifty thousand dollars or more, and when twenty-five thousand dollars or more of lawful money of the United States shall have been received by the commissioners provided for in this Act on account of subscriptions, then the said subscribers shall be and become a body corporate, with continued succession, under the name of the Bank of Sandersville, and by that name shall exercise corporate powers, and be competent to contract and be contracted with, sue and be sued, plead and be impleaded in any court having jurisdiction of the subject matter involved, and shall have power to take, receive, purchase, and hold as security for or in payment of any loans or advances made, real, personal, or mixed property, so far as may be necessary for the safe and convenient prosecution of the business of said bank, as a bank of discount and deposit, and may execute and issue all such receipts, certificates, contracts or other instrument as may be necessary; and said bank shall have power to make and use, renew and alter at pleasure a corporate seal, and do all acts and things necessary or proper to carry into effect the objects and purposes of this Act and the business of said corporation, not inconsistent with the laws of this State or of the United States. General powers.

SEC. IV. *Be it further enacted*, That said corporation shall have power to receive money or deposits, to lend and borrow money, to take and give therefor such securities as may be considered best, to purchase and discount bills of exchange, stocks and bonds, and do all acts it may deem advisable for the safe-keeping and secure and profitable investment of the funds. Banking powers, etc.

SEC. V. *Be it further enacted*, That the business and corporate powers of said bank shall be exercised by a board of five directors, to be chosen as hereinafter provided, who shall elect from their number a president; may declare by-laws for their government not inconsistent herewith; fix the number of directors who shall be a quorum for the transaction of business; the day of meeting of said board and the salaries of its officers. A majority of said directors shall be citizens of this State, and each director shall be owner in his own name of not less than ten shares of said stock; said board shall have power to elect a president and cashier and such other officers as the interest and business of said bank may require. Directors, etc.

SEC. VI. *Be it further enacted*, That the total liabilities to said Other officers.

Incorporating the Bank of Sandersville.

Restriction on loans. bank of any person, or of any company, corporation or firm (including in the liabilities of the company or firm the liabilities of the several members thereof) shall at no time nor by any contrivance or device, exceed one-tenth part of the amount of the capital stock of said bank, but the discount of bills of exchange, drawn in good faith, or securities convertible in the open market, shall not be considered as any portion of said liabilities, and no director, stockholder or officer shall, by virtue of such position, be entitled to or enjoy any advantage, preference or privilege in the use of the funds of said bank which might not otherwise be extended to them.

Dividends. SEC. VII. *Be it further enacted,* That the directors of said bank may annually declare a dividend of so much of the net profits as they may judge expedient after defraying the expenses and paying its debts, but before declaring such dividend they shall carry one-tenth part of its net profits of the preceding year to its surplus fund, until the same shall amount to twenty per cent. of its capital stock, and in estimating the net profits of said bank no assets shall be accounted as solvent which are twelve months past due, unsecured and not in process of collection, and all such insolvent debts shall be charged off before such surplus is set aside or any dividend declared.

Certificates of stock. SEC. VIII. *Be it further enacted,* That the board of directors shall issue to each stockholder certificates of stock truly representing his or her interest, and such stock shall be held bound to the company for any dues or other indebtedness by such stockholders to the company, and no stockholder who may be indebted to said bank, either as principal, security or endorser, shall, while so indebted, sell or transfer the stock held by him or her without the consent of the president and directors of said bank, and all such transfers and sales of stock in said bank must, in order to be valid, be made in the register and transfer books of the company by the owner of the stock or his lawfully appointed attorney in fact, and the board of directors may close the transfer books from time to time, as provided by their by-laws, as the convenience of the bank may require.

Books of subscription. SEC. IX. *Be it further enacted,* That M. Happ, George D. Warthen and W. A. McCarty shall be, and they are hereby appointed commissioners to open books of subscription to the capital stock of said bank at such time and such place, and to keep them open for such a length of time as they deem proper, but for no less amount than fifty thousand dollars, as hereinbefore provided. The directors of the bank shall be elected by a majority in interest of the stockholders thereof voting at said election, under the inspection of said commissioners at such

Election of directors.

place as they may designate, within ten days of the closing of the subscription called for by them, and on the second Monday in January in every year thereafter. No election shall be valid where a majority of the whole stock paid in is not represented, and in any election for directors, and in all questions that may come before any convention of stockholders, each share of fifty dollars shall entitle the owner to one vote. Vacancies occurring in the board of directors during the intervals of election for directors shall be filled by the board itself, and any director so elected shall hold his office until the next general meeting of the stockholders, and it shall be the duty of the president of said bank to prepare and lay before the stockholders thereof annual statements of the business and condition of the bank, its assets and liabilities, and to make any such returns to the Governor of this State as are now required by law to be made. Vacancies.
Annual
state-
ments.
Returns to
Governor.

SEC. X. *Be it further enacted*, That should there be no election of directors at any annual meeting as herein provided, the directors then in office shall continue until the next election, in which the majority of the stock shall be represented in person or by legal proxy, and until their successors are duly elected and enter upon the discharge of their duties. The minutes of the board of directors shall be kept in a book provided for that purpose, and signed by the president, chairman or secretary, and these minutes shall at all times be subject to the inspection of any stockholder. Failure to
elect direc-
tors.

Minutes.

SEC. XI. *Be it further enacted*, That in case any subscriber to the stock of the company shall fail or refuse to pay any of the assessments or calls for payment, which may be made by the commissioners or board of directors within the time required as aforesaid, the board of directors may at any time thereafter proceed to enforce the payment of the entire indebtedness for subscription of stock of such defaulting subscriber by bringing suits therefor in the courts of the State, city or county where such defaulting subscriber resides, or the stock of such delinquent subscriber may, by resolution of the board of directors, after twenty days' notice, be sold—the proceeds of said sale to be applied, first, to the expenses incident to the sale; second, to what may be due the bank for such unpaid subscription, and the residue, if any, paid to such delinquent stockholder. Failure to
pay for
stock.

SEC. XII. *Be it further enacted*, That the cashier, who may also be a director, shall be elected by the board of directors, and give such bond and in such sums as they may require. It shall be the duty of the cashier to keep safely all moneys, notes, bonds, bills, or other property committed to his care, or shall come into his possession in the regular course of business, and he shall Cashier.

Amending Charter of the Commercial Bank of Albany.

have power to bind the company by signing checks, receipts or certificates of deposit, in conducting the business of the bank.

Liability
of stock-
holders.

SEC. XIII. *Be it further enacted*, That the stockholders shall be individually liable for the payments of the debts of said corporation to the extent of the unpaid balance of the stock held by each stockholder at the time of the failure of the corporation, and in addition shall be liable in a sum equal to the amount of stock held by them at the time of such failure.

Term of
charter.

SEC. XIV. *Be it further enacted*, That this Act shall take effect immediately upon its passage, and shall continue in force for thirty years thereafter, with privilege of renewing after the expiration of said term.

May con-
duct
warehouse
business.

SEC. XV. *Be it further enacted*, That said corporation may conduct a general warehouse business in connection with the regular banking business of said bank.

SEC. XVI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 8, 1887.

AMENDING CHARTER OF THE COMMERCIAL BANK OF
ALBANY.

No. 320.

An Act to amend the Act incorporating the Commercial Bank of Albany, approved December 11th, 1871, amending sections two and three of said Act.

Capital
stock.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That the words "one hundred" in the second line of the second section of said Act be amended to read "fifty," making said line read "fifty thousand dollars."

Who may
be direc-
tors.

SEC. II. *Be it further enacted*, That the words in the third section of said Act, "No person shall be a director of said bank who shall not be a stockholder to the extent of twenty shares, or upwards," be amended so as to read, "No person shall be a director of said bank who shall not be a stockholder to the extent of five shares or upwards."

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved October 13th, 1887.

Incorporating the Marietta Bank.

INCORPORATING THE MARIETTA BANK.

No. 328.

An Act to incorporate the Marietta Bank, and for other purposes connected therewith.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That John R. Winters, B. R. Legg, George F. Gober, Joe B. Alexander, W. S. N. Neal, H. V. Reynolds, W. R. Power, A. M. Dobbs, W. E. Gilbert, John M. Stone and M. G. Mullock, and such other persons as may hereafter become associated with them, and their successors and assigns, shall hereafter be a body politic and corporate, with continuous succession, under the name and style of the Marietta Bank, and by said corporate name shall be competent in law to sue and be sued, plead and be impleaded in any court having jurisdiction over the subject-matter involved; to receive, purchase, own, hold and use property of all description, and alien, convey, lease and mortgage and otherwise dispose of same in any manner that a natural person might lawfully dispose of similar property. Said corporation shall have power to make, use, renew and alter at pleasure a corporate seal, make by-laws not inconsistent with the laws of the land, and to do all acts and things necessary and proper to carry into effect the objects and purposes of this Act, and to exercise in general all the powers incident to corporations and necessary and proper for the transaction of the business for which it is incorporated. The said corporation shall be located in Marietta, in this State.

SEC. II. *Be it further enacted,* That capital stock of this corporation shall be fifty thousand dollars (\$50,000), to be divided into shares of one hundred dollars each; but said corporation shall have the power, after said stock shall have been paid up, to increase its said capital stock, from time to time, to any sum, not to exceed two hundred thousand dollars, whenever it may be deemed expedient by the stockholders, in meeting assembled, by a vote of two-thirds of the entire stock of the corporation voting in favor of such increase. Said corporation is hereby authorized to commence business as soon as the fifty thousand dollars capital stock shall have been subscribed for by good and solvent parties and twenty-five per cent. of the same shall have been paid in on said capital stock; and the board of directors shall be authorized to call in the balance of said capital stock in such installments and at such times as may be deemed necessary by the

Incorporating the Marietta Bank.

board; *Provided*, any subscriber shall have the right to pay up his subscription at any time he may see fit.

Banking powers.

SEC. III. *Be it further enacted*, That said corporation shall have power to receive money on deposit; to loan and borrow money; to take and give therefor such securities as may be deemed best; to purchase and discount and collect notes and bills of exchange, and to do all other acts in a general banking business, and all acts that it may deem advisable for the safe-keeping and secure and profitable investment of its funds.

Restriction on loans, etc.

SEC. IV. *Be it further enacted*, That the total liabilities to said bank of any person, or of any company, corporation or firm for money borrowed, including in the liabilities to said bank of any company, corporation or firm the liabilities of the several members thereof shall at no time exceed one-tenth part of the capital stock of said bank paid in; but the discount of bills of exchange drawn in good faith, and the discount of commercial paper actually owned by the person negotiating the same, shall not be considered as borrowed money.

Dividends

SEC. V. *Be it further enacted*. That the directors of said corporation may, semi-annually, declare a dividend of so much of the net profits as they shall deem expedient, but before declaring such dividend they shall carry one-tenth of the net profits of the preceding half year to its surplus fund until the same shall amount to twenty-five per cent. of its capital stock; and after that time it shall be discretionary with the board of directors as to what amount, if any, is placed to the surplus fund; but it shall not be lawful for them to create or accumulate a surplus of profits exceeding one hundred per cent. of their paid in capital stock, and said capital stock and surplus and assets of every kind shall be liable for any and all debts of the company, and in addition thereto, the stockholders shall be individually liable for any debts of the bank to the full extent of their unpaid shares or the balance due thereon, and shall be held individually responsible equally and ratably, and not one for another, for all contracts, debts and engagements of such bank to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The rights and privileges herein by this charter granted shall be valid and in effect for fifty years.

Liability for debts. Stockholders' liability.

Term of charter.

Certificates of stock.

Lien on.

SEC. VI. *Be it further enacted*, That the board of directors shall issue to each stockholder certificates of stock truly representing his or her interest, and such stock shall be held bound to the bank for any dues or other indebtedness by said stockholder to the bank, and a lien is hereby declared upon the same in favor of the bank superior to all other liens, which may be foreclosed upon the same as a mortgage upon personal property, and

Incorporating the Marietta Bank.

sold in the same way, and no stockholder who may be indebted to said bank, either as principal, or security, or endorser, shall, while so indebted, sell or transfer the stock held by him or her without the consent of the president and directors of the bank, and all sales and transfers of stock in said bank must, in order to be valid, be made on the books of the bank by the owner of the stock, or his lawfully appointed attorney in fact, under such rules and regulations as may be declared by the by-laws of the bank, and any other transfer is void as against the company.

SEC. VII. *Be it further enacted*, That the business and corporate powers of said bank shall be exercised by a board of directors composed of seven stockholders, citizens of this State, each of whom shall own in his own right and name not less than two shares of said stock, one of whom shall be elected president. Said board shall have the right and power to elect from the board a vice-president; said board also has the right to elect a cashier and such other officers as the interest and business of said bank may require.

SEC. VIII. *Be it further enacted*, That said board of directors shall make and declare by-laws for their government in the management of the business of the corporation, fixing the meetings of said board and the salaries of its officers; and said board of directors shall have the right to appoint or remove any officer or agent of the corporation at any time they may see fit. A majority of said directors at any regular meeting shall constitute a quorum for the transaction of business.

SEC. IX. *Be it further enacted*, That the parties named in the first section of this Act, or their successors or assigns shall, and they are hereby appointed commissioners to open books of subscription to the capital stock of said bank at such time and place, and for such amounts, and to such persons as they, or a majority of them, may determine. The directors of said bank shall be elected by a majority in interest of the stockholders of said bank voting at said election under the inspection of said commissioners, at such place as they may designate, within twenty days from the closing of said subscription called for by them, and on the second Tuesday in January, 1889, and annually thereafter. No election shall be valid when a majority of the whole stock is not represented, and in any election for directors, and in all questions that may come before any convention of shareholders, each share of one hundred dollars of stock shall entitle the owner to one vote; and it shall be the duty of the president of said bank to prepare and lay before the stockholders thereof, semi-annually, statements of the business and condition of the bank, its assets and liabilities, and to make such returns under oath to the Governor of this

Transfers
of.

Directors.

Officers.

By-laws,
etc.Appoint-
ment and
removal of
officers
Quorum.Books of
subscrip-
tion.Election of
directors.Vote of
stockhold-
ers.
Semi-an-
nual re-
ports.Returns to
Governor.

Incorporating the Marietta Bank.

Vacancies. State, as are required by law to be made. Vacancies occurring in the board of directors, at any time other than at the annual elections, shall be filled by the board of directors.

Failure to pay for stock. SEC. X. *Be it further enacted*, That in case any subscriber to the stock of the company shall fail or refuse to pay any of the assessments or installments of the capital stock, which may be called for by the commissioners or board of directors, the board may, at any time thereafter, proceed to enforce the payment of the entire indebtedness for subscription to stock of such defaulting subscribers by bringing suits therefor in any court having jurisdiction of the same, or the stock of such delinquent subscriber may, by resolution of the board of directors, be sold on terms prescribed by said resolution, and in a way prescribed therein, after thirty days notice in writing to the delinquent.

Cashier. SEC. XI. *Be it further enacted*, That the cashier, who may also be a director, shall be elected by the board of directors, and shall give such bond in such sum as they may require. It shall be the duty of the cashier to keep safely all moneys, notes, bonds, bills or other property committed to his care in the course of business, and he shall have power to bind the company by signing, checks, receipts or certificates of deposits in conducting the business of the bank.

Loans of real estate, etc. SEC. XII. *Be it further enacted*, That said corporation shall have authority to loan money on real estate, or such other security as the board of directors may accept, at any rate of interest that may be agreed on in writing not in excess of the highest rate fixed by law, and it may also make loans for any time agreed on and charge interest for the whole time and include the same in the note or notes, or other security given therefor, and collect the same by monthly installments, or otherwise, without any rebate of interest thereon, if the debtor will so agree.

Deposits by married women and minors. SEC. XIII. *Be it further enacted*, That married women and minors shall be competent to make deposits with said corporation, of money or otherwise, and their check or receipt for the same shall be a sufficient discharge to said corporation, and any contract made by them with said corporation, in course of business with said corporation as to said deposits, shall be valid and binding in law, and such deposits shall not be subject to the claims, control or debts of the husbands respectively of such married women or the parents or guardians of such minors.

Rights as trustees. SEC. XIV. *Be it further enacted*, That said bank shall have power to receive money in trust; shall have power to accept and execute trusts of every description which may be committed to it by any order or decree of any court, and shall have power to accept by grant or assignment, transfer, devise or bequest, and

Incorporating the Title, Guarantee and Loan Company of Savannah.

hold any real or personal estate or trust created in accordance with the laws of this State, and to execute such legal trusts on such terms as may be declared, established or agreed upon in regard thereto, and the said bank is hereby authorized to act as trustee or assignee in this State, and funds in litigation in the various courts of this State may be received on deposit by said bank, bearing such interest as may be agreed on. As assignee, etc.

SEC. XV. *Be it further enacted*, That in all cases of loans upon real estate or other property as security, the said corporation shall have the right to charge such sum, in addition to interest not in excess of the lawful rate, as may be agreed upon by the borrower, and the corporation for the expenses of investigating and abstracting titles, inspecting and reporting on property offered as security, and any claimant of interest paid in excess of the lawful rate to said corporation, shall bring his suit for such interest, or excess of interest, within six months from the time such interest or discount is paid to said corporation, or the right of said claimant to recover the same shall be forever barred. Charges on real estate loans.
Suit for usury.

SEC. XVI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act or any of its provisions be, and the same are hereby repealed.

Approved October 15, 1887.

INCORPORATING THE TITLE, GUARANTEE AND LOAN COMPANY OF SAVANNAH.

No. 345.

An Act to incorporate the Title, Guarantee and Loan Company of Savannah, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That John H. Estill, George W. Wyley, Charles H. Olmstead, Charles H. Darsett, George H. Stone, John C. Rowland, Lee Roy Myers, Moses J. Solomons, Isaac Beckett, John T. Ronan, and such other persons as may hereafter be associated with them as stockholders in the corporation hereby created, their successors and assigns, be, and they are hereby created a body corporate by the name of the Title, Guarantee and Loan Company of Savannah, and by that name shall have perpetual succession and shall be capable to sue and be sued, contract and be contracted with, plead and be impleaded in any court of law or equity; to receive, purchase, mortgage and convey, and other- Corporators.
Corporate name. General powers.

Incorporating the Title, Guarantee and Loan Company of Savannah.

Principal and branch offices. wise dispose of property of all descriptions, real, personal or mixed, in any manner that a natural person might lawfully use or dispose of similar property; to make by-laws for the government of its members and affairs not inconsistent with the laws of the land; to make, use, renew and alter at pleasure a corporate seal, and generally to do and execute all such matters and things as are necessary or proper to carry into effect the purposes of this Act. The said corporation shall have its principal office in the city of Savannah, county of Chatham, in this State, and may establish branch offices at such places as the business of the corporation may require.

Capital stock. SEC. II. *Be it further enacted*, That the capital stock of the corporation hereby created shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and may be increased from time to time, if a majority in interest of the stockholders shall so determine, to any amount not exceeding five hundred thousand dollars, said capital stock shall be paid in at the rate of two dollars per month upon each share, but any holder thereof may pay in any larger amount upon such terms as the by-laws of said corporation shall provide.

Liability of stockholders. The stockholders shall be individually liable for the debts or obligations of the corporation to the extent of their unpaid subscriptions, which may be due on the stock subscribed for, and in addition thereto the stockholders shall be individually liable for said debts or obligations, equally and ratably, and not one for another, to the extent of the amount of their stock at the par value thereof.

Directors. SEC. III. *Be it further enacted*, That the affairs of said corporation shall be managed by a board of seven directors, who shall be elected by a majority in value of the stockholders as hereinafter provided, and annually thereafter on the first Monday in April, and shall hold office until their successors are elected. Said board shall have power to fill any vacancies occurring in their body, and shall choose from among themselves a president and a vice-president. They shall also elect a secretary and treasurer, either from their own body or from the general body of stockholders, as they may determine, who shall hold office until removed by the board of directors, and be *ex officio* members of said board in addition to the seven elected by said stockholders as hereinafter provided, unless selected by said board of directors from their own body. A majority of the directors shall constitute a quorum and be competent to conduct the business of said corporation.

Vacancies. Officers. Quorum.

Abstracts of title. SEC. IV. *Be it further enacted*, That said corporation may make or procure copies or abstracts from the public records, and gather information therefrom, and from all other available sources, relating

in any manner to real estate and to the character and validity of titles thereto; may make, procure and furnish maps and plats; may guarantee or insure owners or mortgages of real estate against loss by reason of defective titles, liens or other encumbrances; may act as agent in the management, leasing and collection of rents of houses and lands, and may guarantee the collection of rents; may receive deposits of money from any person or persons, and invest the same in real or personal property, or loan the same upon such terms and security as may be considered best, or be agreed upon, or may allow interest thereon to any amount not exceeding the lawful rate of interest allowed by the laws of this State; may act as executor to any last will and testament, or as guardian of the person or property of any minor, when so appointed by will, or as guardian, trustee or receiver of the estate of any person or persons, under the order, authority or appointment of any court of record, or by any other lawful means; *Provided*, that nothing herein contained shall be so construed as to authorize any interference with the public officers of the county of Chatham or the city of Savannah in the discharge of their duties in connection with said public records, maps, plats or other books or papers in their custody or control.

Maps and
plats
guaran-
tees o
title,
etc.
Real estate
agents, etc.

Deposits.

Loans.

May be ex-
ecutors,
guardians,
trustees or
receivers.

Proviso.

SEC. V. *Be it further enacted*, That the persons named in the first section of this Act be, and they are hereby appointed commissioners to receive subscriptions to the capital stock of said body corporate, and they, or a majority of them, may cause books to be opened at such time and places as they shall direct for the purpose of receiving such subscriptions, and as soon as three-fourths of the capital stock shall have been subscribed for, the said commissioners, or a majority of them, may call a general meeting of the subscribers for the purpose of organizing and electing a board of directors.

Stock sub-
scriptions

Organiza-
tion.

SEC. VI. *Be it further enacted*, That when said corporation shall have been organized, and the board of directors elected, and said board of directors shall have completed its organization by the election of a president, vice-president, secretary and treasurer, the corporation may proceed to do business by collecting the installments upon the capital stock and investing the same, and shall have power generally to exercise all the rights and privileges conferred by this Act; *Provided*, however, that the said corporation shall have no power to guarantee or insure titles to real estate until at least twenty per cent. of the capital stock subscribed for has been actually paid into the treasury thereof.

Beginning
business.

Proviso.

SEC. VII. *Be it further enacted*, That the stockholders of the body corporate hereby created shall meet annually on the first Monday in April, and at such other times as the board of direc-

Stockhold-
ers' meet-
ings.

Incorporating the Merchants and Planters' Bank of Carrollton, Georgia.

tors may determine; said board shall, upon the written request of one-fourth in interest of the stockholders, call a meeting at any time and cause the necessary notice thereof to be given. A majority in interest shall constitute a quorum for the transaction of business, and be competent to elect a board of directors at the annual meeting, and generally to exercise the powers conferred by this Act.

SEC. VIII. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved October 17th, 1887.

INCORPORATING THE MERCHANTS AND PLANTERS' BANK
OF CARROLLTON, GEORGIA.

No. 384.

An Act to incorporate the Merchants and Planters' Bank of
Carrollton, Georgia.

Corpora-
tors.

Corporate
name.

Capital
stock.

Beginning
business.

General
powers.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That E. G. Kramer, L. C. Mandeville, Oscar Reese and J. A. McCord, and such other persons as may be associated with them, and their successors and assigns, are hereby constituted a body corporate under the name of the Merchants' and Planters' Bank of Carrollton, Georgia, to be located in the town of Carrollton, Georgia.

SEC. II. *Be it further enacted*, That the capital stock of said bank shall be twenty-five thousand dollars, with the privilege of increasing the same to the sum of one hundred thousand dollars whenever a majority of the shareholders may vote to increase the same, said stock to be divided into shares of one hundred dollars each.

SEC. III. *Be it further enacted*, That when twenty-five thousand dollars shall be subscribed and actually paid in, in lawful money of the United States, and shall have been received by the commissioners provided for in this Act on account of subscriptions, then the subscribers shall be and become a body corporate and politic, with continued succession, under the name of the Merchants and Planters' Bank of Carrollton, Georgia, and by that name shall exercise corporate powers and be competent to contract and be contracted with, sue and be sued, plead and be

Incorporating the Merchants and Planters' Bank of Carrollton, Georgia.

impleaded in any court having jurisdiction in the subject-matter involved, and shall be capable of receiving, purchasing and handling real and personal property so far as may be necessary for the safe and convenient prosecution of the business of said bank as a bank of discount and deposit, and said bank shall have power to make and use, renew and alter at pleasure a corporate seal, and do all acts and things and to pass and enforce all such rules and regulations as may be necessary and proper to carry into effect the objects and purposes of this Act and the business of said corporation ; *Provided*, said rules and regulations are not inconsistent with the laws of this State or of the United States.

SEC. IV. *Be it further enacted*, That said corporation shall have power to receive money on deposit, to loan and borrow money, to take and give therefor such securities as may be considered best, to purchase and discount notes and bills of exchange, and to do all other acts it may deem advisable for the safe keeping, and to secure profitable investments of its funds. Banking powers.

SEC. V. *Be it further enacted*, That the total liabilities to said bank of any person, or of any company, corporation or firm, for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of said bank paid in, but the discount of bills of exchange drawn in good faith, and the discount of commercial paper actually owned by the person negotiating the same, shall not be considered as borrowed money. Restriction on loans, etc..

SEC. VI. *Be it further enacted*, That the directors of said bank may semi-annually declare a dividend of so much of the net profits as they shall deem expedient, but before declaring such dividend they shall carry one-tenth of its net profits of the preceding half year to the surplus fund until the surplus fund shall amount to twenty per centum of the capital stock, and thereafter the amount carried to the surplus fund shall be discretionary with the directors, and the capital stock and the surplus fund and all the assets of every kind shall be liable for any and all debts of the company, and in addition thereto the stockholders shall be individually liable for the debts of the company to the extent of one hundred dollars for each share of stock held by them. Dividends.
Liability for debts.
Liability of stock-holders.

SEC. VII. *Be it further enacted*, That the capital stock of said bank shall be divided into shares of the par value of one hundred dollars each, and the directors shall issue to each stockholder certificates of stock truly representing his or her interest in the company, and all sales and transfers of stock in said bank Certificates of stock.
Transfers of.

Incorporating the Merchants and Planters' Bank of Carrollton, Georgia.

must, in order to be valid, be made on the books of the company by the owner of the stock or by his or her lawfully appointed attorney in fact.

Directors. SEC. VIII. *Be it further enacted,* That the business and corporate powers of said bank shall be exercised by a board of directors, consisting of not less than five and not more than nine persons, each of whom shall be a citizen of this State, and owner in his own name of not less than five shares of the stock of the bank, one of whom shall be elected president of the board of directors, and said board shall have power to elect a vice-president and cashier and such other officers as the interest and business of said bank may require, and shall declare by-laws for their government, fixing the number of directors and the days of meeting of said board and the salaries of the officers of the bank.

Officers.

By-laws.

Books of subscription. SEC. IX. *Be it further enacted,* That the parties named in the first section of this Act, or their successors and assigns, shall, and they are hereby appointed, commissioners to open books of subscription to the capital stock of said bank at such time and place and for such amounts as they, or a majority of them, shall deem proper, but for no less amount than twenty-five thousand dollars. The directors of said bank shall be elected by a majority in interest of the stockholders voting at an election, which shall be called by said commissioners within twenty days after they have collected the subscriptions made for the stock of said bank, and which said election shall be inspected by said commissioners, and when said board of directors shall have been thus elected, said bank shall be considered fully organized, and the money put into the capital stock shall be delivered to the board of directors, and thereafter a new board of directors shall be elected annually on such day as may be fixed by the board of directors. No election shall be valid when a majority of the whole stock is not represented, and in all elections for directors and in all questions that may come before any convention of shareholders, each share of stock shall entitle the owner to one vote.

Election of directors, etc.

Vote of stockholders.

President's reports. SEC. X. *Be it further enacted,* That it shall be the duty of the president of said bank to prepare and lay before the stockholders thereof semi-annual statements of the business and condition of the bank, its assets and liabilities, and to make such returns under oath to the Governor of the State as are now required by law to be made.

Returns to Governor.

Term of charter. SEC. XI. *Be it further enacted,* That the rights and privileges granted by this Act shall be valid and remain in force and effect for the term of thirty years from the date of the approval hereof.

Incorporating the Monroe Banking, Loan and Guaranty Company.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 22, 1887.

INCORPORATING THE MONROE BANKING, LOAN AND GUARANTY COMPANY.

No 389.

An Act to incorporate the Monroe Banking, Loan and Guaranty Company, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That W. B. Amos, S. F. Beckham and R. L. Berner, and such other persons as may hereafter become associated with them, and their successors and assigns, shall be and they are hereby constituted a body politic, and corporate under the name and style of the Monroe Banking, Loan and Guaranty Company, for the term of fifty years, and as such shall have the right to have and use a common seal; to sue and be sued, plead and be impleaded; to purchase, own, hold, sell and receive all property of any description; to alien, sell, convey, lease, mortgage or otherwise dispose of the same as a natural person; to make all by-laws, not inconsistent with the laws of the State, and to do all acts and things necessary or proper to carry out the objects and purposes of this act; and to exercise all the powers incident to a corporation and necessary to the transaction of its business.

SEC. II. *Be it further enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, divided into two hundred and fifty shares of one hundred dollars each, with the privilege of increasing the same at any time to five hundred thousand dollars, and the incorporators are hereby authorized to open books of subscription for said stock. The stockholders shall pay in the stock subscribed for by monthly installments in such sums and under such conditions and rules as may be determined by the board of directors, not to be less than two dollars per month per share. Such payments shall continue until the amounts paid in shall be one hundred dollars per share; *Provided*, any stockholder shall have the right to pay the entire amount subscribed at any time.

SEC. III. *Be it further enacted*, That as soon as two hundred and fifty shares shall be subscribed for and the sum of five hundred dollars paid in, the incorporators shall have the right to organize and transact a loan and banking business, but said company shall receive no deposits until ten per cent. of the capital stock is paid in and whenever the sum of one hundred thousand dollars shall

Incorporating the Monroe Banking, Loan and Guaranty Company.

When deposits may be received. Election of directors. Quorum. Increase of number. Powers of.

be actually paid in, and not before, they shall have the right to exercise the powers and privileges granted in section eight (8) of this act. At the first meeting of the stockholders a board of five directors shall be elected from the stockholders to hold office till their successors are elected and qualified, a majority of whom shall constitute a quorum. The board of directors may be increased to seven by a vote of the stockholders; said board of directors shall have power to manage the business of the corporation, to declare dividends when earned, to elect all officers of the corporation, and to provide for the sale or forfeiture of any stock by reason of default in paying the installment aforesaid

Loans.

SEC. IV. *Be it further enacted*, That said corporation shall have the right and authority to lend money on real estate or personal property, to make loans for any time that may be agreed on and collect the interest by monthly installments or otherwise as they deem best.

General banking powers.

SEC. V. *Be it further enacted*, That said corporation shall have authority to do a general banking business, to receive deposits, discount commercial papers, to buy and sell exchange, to acquire and hold real and personal property and dispose of the same, and to perform all acts usual in such cases.

Granted similar powers to those of the Oglethorpe Savings and Trust Company.

SEC. VI. *Be it further enacted*, That this corporation shall have all the rights and powers granted to the Oglethorpe Savings and Trust Company in sections six, seven and eight of an Act entitled an Act to incorporate the Oglethorpe Savings and Trust Company, and for other purposes, approved December 18th, 1886.

Offices.

SEC. VII. *Be it further enacted*, That the principal office shall be located in Forsyth, Georgia, or Macon, Georgia, and the board of directors shall have power to establish agencies or branch banks for the transaction of said business in any place they may think proper.

Granted similar powers to those of the Atlanta Loan and Banking Company.

SEC. VIII. *Be it further enacted*, That the corporation shall have all the powers granted to the Atlanta Loan and Banking Company, in the fifth section of an Act entitled an Act to amend an Act to incorporate the Atlanta Loan and Banking Company and for other purposes, approved October 30th, 1885, so as to change the name of said company to the Atlanta Insurance and Banking Company, to confer upon said company the right to do a general insurance business, to otherwise enlarge the powers and privileges of said company, to further amend said Act, and for other purposes, approved December 18th, 1886.

Liability of stockholders.

SEC. IX. *Be it further enacted*, That each stockholder in said corporation shall be individually liable for the debts of the corporation to the amount of his or her unpaid subscription to the capital stock of the corporation, and the stockholders of said

Incorporating the Progress Loan Improvement and Manufacturing Company.

corporation shall be individually liable to creditors of said corporation to the amount of the capital stock subscribed by them.

SEC. X. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 22, 1887.

INCORPORATING THE PROGRESS LOAN IMPROVEMENT AND
MANUFACTURING COMPANY.

No. 413.

An Act to incorporate the "Progress Loan Improvement and Manufacturing Company," to grant banking privileges to the same, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That Henry Horn, Joseph Daunenburg, Thomas C. Burke, Isaac Hardeman and W. G. Solomon, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby, declared and constituted a body corporate under the name of the "Progress Loan, Improvement and Manufacturing Company;" by said name to sue and be sued, plead and be impleaded; to contract and be contracted with, to acquire and hold real estate and personal property; to invest in manufactories; and generally to do anything necessary to carry out the purposes of this Act.

SEC. II. *Be it further enacted by the authority aforesaid*, That the capital stock of said corporation shall be \$500,000, or 5,000 shares of \$100 each, with the privilege of increasing the same to \$1,000,000, or 10,000 shares of \$100 each, in the discretion of the board of directors hereinafter provided for, after the same shall have been authorized by a vote of the stockholders, at a meeting called for that purpose. The stockholders shall pay in the capital stock subscribed, by monthly installments, in such sums as may be determined by the board of directors, not to be less than two dollars and fifty cents (\$2.50) per share, or by assessments on the stock subscribed in such per centage as said directors may from time to time determine. Such payments shall continue until the amount paid in with legal interest thereon shall be \$100; *Provided, however*, that nothing herein contained shall be construed to prevent any stockholder from paying in the whole of the installments at any time if he shall desire to do so.

Incorporating the Progress Loan Improvement and Manufacturing Company.

Beginning
business.

Principal
office.
Election of
directors.

Quorum.

Officers.

Annual
meetings
and elec-
tions.

Powers of
directors.

SEC. III. *Be it further enacted by the authority aforesaid,* That as soon as 1,000 shares shall be subscribed for, and the sum of \$2,500 be paid in on said stock, the said association shall have the right to organize and transact business: the principal office shall be located in the City of Macon, in this State. At the first meeting of the stockholders, which shall be called by the incorporators herein mentioned, after ten days' notice to the stockholders, a board of nine directors shall be elected, five of whom shall constitute a quorum to transact business; said board shall elect of their number a president and vice-president, who shall be stockholders in said company. A secretary, treasurer and general manager shall be elected annually, (one person may hold these three offices named), who shall give bond with good security in a sum to be fixed by said board, for the faithful performance of his duties. The board of directors shall also be elected annually, and shall hold their office until their successors are elected and qualified. The annual meeting of the stockholders shall be on the second Wednesday in November of each year, at which time the board of directors shall be elected as aforesaid. The said board of directors shall have authority to manage and control the business of said company; to declare dividends when earned; to establish rules and by-laws for the government of said company; to provide for all cases of default made by the stockholders to the payment of the installments aforesaid; for the sale or forfeiture of the stock, for the transfer of the stock, and generally for every matter or thing necessary or proper to carry out the purposes of this Act.

Banking
powers,
etc.

Loans on
real estate.

SEC. IV. *Be it further enacted by the authority aforesaid,* That the said company shall have the right to do a general banking business, to receive deposits, to discount papers, to buy and sell exchange, to acquire, hold and improve, buy, rent and sell real estate and personal property, and to invest in manufacturing enterprises, to negotiate loans and charge a commission therefor, and to perform all acts usual in such cases. Said association shall have the authority to loan money on real estate, or such other security as the said board of directors may see fit, and at any rate of interest that may be agreed upon in writing, not in excess of the highest contract rate fixed by law, but said association may make loans and sell real estate for any time agreed on from one month to ten years, and charge interest for the full time, and include same in note or other security given therefor, and may collect the same by monthly, quarterly, semi-annual or annual installments, if the debtor will so agree, without any interest or rebate thereon.

SEC. V. *Be it further enacted by the authority aforesaid,* That

Amending Charter of the Atlanta Loan and Banking Company.

the stockholders of said company shall be liable individually to the creditors of said company to the extent of the unpaid stock owned by him, and, in addition thereto, to the extent of the stock owned by him. Liability of stockholders.

SEC. VI. *Be it further enacted by the authority aforesaid,* That this charter shall continue for the term of thirty years, with the privilege on the part of the stockholders to renew the same for thirty years at the expiration of the first term. Term of charter.

SEC. VII. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and are hereby, repealed.

Approved October 22, 1887.

AMENDING CHARTER OF THE ATLANTA LOAN AND BANKING COMPANY.

No. 424.

An Act to amend an Act entitled an Act to incorporate the Atlanta Loan and Banking Company, and for other purposes, approved October 13th, 1885, so as to change the name of said company to the Atlanta Insurance and Banking Company; to confer upon said company the power to do a general insurance business; to otherwise enlarge the powers and privileges of said company; to further amend said Act and for other purposes, approved December 18th, 1886, so as to change the corporate name of said company to Atlanta Banking Company; to provide for decreasing the number of directors of said company; to provide that said company shall have the first lien on the stock of each stockholder for any money due said company by such stockholder; to provide for the taking of bonds from the officers, agents and employees of said company; to further amend said Act, and for other purposes.

SECTION I. *The General Assembly of Georgia hereby enact,* That section one of the above recited Act is hereby amended by striking from the corporated name of said company the words, "Insurance and" where they occur in the twelfth line of said section, so that the corporate name of said company will be Atlanta Banking Company, and so that said section first as amended shall read as follows: Name changed to "Atlanta Banking Company."

SECTION I. *The General Assembly of Georgia do enact,* That Jno. R. Gramling, Jno. J. Falvey, Jno. C. Kirkpatrick, Albert J. Haltiwanger, Willard H. Nutting and Howard E. W. Palmer, of

Amending Charter of the Atlanta Loan and Banking Company.

said State, their associates and successors, are hereby constituted and declared to be a body corporate for the term of fifty years, under the name of Atlanta Banking Company, to be located in Atlanta, Georgia, with all the rights and privileges belonging to such corporations under the law, and particularly those set forth in Section 1679 of the Code (1882) of this State.

SEC. II. That the second section of the above recited Act, which amended section third of the original Act, as therein stated, be amended by striking out the word "fifteen" where it occurs the first time in the third section as amended by said Act, and inserting in lieu thereof the words "of not less than seven nor more than nine," and by striking out said word "fifteen" where it occurs the last time in said section and also by inserting at the end of said section the following words: Said company shall have the first lien upon the stock of each stockholder for any debt or debts matured or maturing that the stockholder may owe or be liable for to the company either by order, draft, note, acceptance, indorsement, security or otherwise; said directors must take from such officers, agents and employees of said company as they deem best, sufficient bond or bonds for the protection of said company, so that the said third section as set forth in said second section, and as amended hereby shall read as follows:

SEC. III. That as soon as one thousand shares shall be subscribed for, and the sum of twenty-five thousand dollars shall be paid in on the said stock, the incorporators shall have the right to organize and transact business. At the first meeting of the stockholders to be called by said incorporators, a board of not less than seven, nor more than nine, directors shall be elected from the stockholders, to hold their offices until their successors are elected, five of whom shall constitute a quorum. Said board of directors shall have power to manage the business of the corporation, to declare dividends when earned, to elect all officers of the corporation, to appoint all agents it may deem necessary, to prescribe the duties and compensations of such officers and agents to remove any officer, or agent at any time, to fill any vacancy that may occur in said board to call special meetings of the stockholders at any time, by giving such notice thereof as may be deemed necessary, and to provide for the sale or forfeiture of any stock by reason of default in paying the installments aforesaid. If for any cause, said directors are not elected at said first meeting, they may be elected at any subsequent meeting of stockholders of said company. Said company shall have the first lien upon the stock of each stockholder for any debt or debts, matured or maturing, that the stockholder may owe or be liable for, to the company, either by over-draft, notes, acceptance, indorse-

Change in
number of
directors.

Lien on
stock for
debts.

Bond of
officers,
etc.

Section as
amended.

Amending Charter of the Planters' Loan and Savings Bank.

ment, security or otherwise. Said directors must take from such officers, agents, and employees of said company, as they may deem best, sufficient bond or bonds for the protection of said company.

SEC. III. That section sixth of said Act is hereby amended, so that the title of said Act, as therein stated, will be an Act to incorporate the Atlanta Banking Company, and for other purposes.

Title of Act of October 1st, 1885, changed.

SEC. IV. That all laws and parts of laws in conflict herewith are hereby repealed.

Approved October 22nd, 1887.

AMENDING CHARTER OF THE PLANTERS' LOAN AND SAVINGS BANK.

No. 444.

An Act to alter and amend an Act entitled "An Act to incorporate the Planters' Loan and Savings Bank, approved October the 27th, 1870, and Acts amendatory thereof, so as to authorize said corporation to change its name and do a general insurance business; also, to fix the liability of its stockholders as to its insurance contracts, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That an Act entitled "an Act to incorporate the Planters' Loan and Savings Bank," approved October 27th, 1870, be and the same is hereby altered and amended so as to change the name of said corporation wherever it occurs in said Act, and Acts amendatory thereof, from that of the Planters' Loan and Savings Bank to that of The Peoples' Insurance and Banking Company.

Name changed to "The Peoples' Insurance and Banking Company."

SEC. II. *Be it further enacted by the authority aforesaid,* That section four of said Act be amended by adding the following words immediately after the last word in said section, to-wit: And said corporation is hereby further authorized and empowered to do a general insurance business, and to insure against losses by fire on all kinds of property; also against all hazards of ocean and inland navigation, and transportation of every kind, for such rates of premium as it may determine, and to re-insure any of its risks. Said corporation shall also have power and authority to give to the holders of policies therein the right to participate in the net profits of the corporation to such an extent, in such manner and upon such terms as it may deem proper.

Authorized to do a general insurance business.

Fire, marine and transportation insurance

Participating policies.

SEC. III. *Be it further enacted by the authority aforesaid,* That section seven of said Act be altered and amended by adding the

Incorporating 'the Merchants and Mechanics' Banking and Loan Company, of Atlanta, Ga.

Liability
of stock-
holders.

following words after the word "company," in the thirteenth line of said section, to-wit: *Provided*, nevertheless that no stockholder shall be personally liable for any claim or demand against said corporation arising from or growing out of its insurance contracts.

SEC. IV. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

INCORPORATING THE MERCHANTS AND MECHANICS' BANKING
AND LOAN COMPANY, OF ATLANTA, GEORGIA.

No. 449.

An Act to incorporate the Merchants and Mechanics' Banking
and Loan Company, of Atlanta, Georgia.

Corpora-
tors.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That Augustus D. Adair, Marion C. Kiser, John A. Fitten, Azaria G. Howard, Henry Wellhouse, Charles S. Kingsberry, George H. Tanner, George A. Webster, Joseph F. Gatins, James L. Logan, jr., and Porter King, of said State, their associates and successors, are hereby constituted and declared to constitute a body corporate and politic, under the name of the Merchants and Mechanics Banking and Loan Company, of Atlanta, Georgia, with power under the name to sue and be sued; to have and use a common seal; to make, alter and amend by-laws for its government, not inconsistent with the laws of the United States or of this State.

Corporate
name.
General
powers.

Capital
stock.

SEC. II. *Be it further enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each, with the privilege of increasing the same at any time to five hundred thousand dollars, and the incorporators are hereby authorized to open books of subscription for said stock, and to organize and commence business when one thousand shares shall have been subscribed, and the sum of twenty-five hundred dollars paid in on said stock, the stock to be paid for in monthly installments of not less than two dollars and fifty cents for each share subscribed for, which monthly payments shall be continued until the amount paid shall be one hundred dollars per share; *Provided*, that any stockholder shall have the right to pay the entire amount subscribed at any time.

Books of
subscription.

Beginning
business.

Payments
for stock.

Directors.

SEC. III. *Be it further enacted*, That at the first meeting of the stockholders, called by a majority of the incorporators, a board

Incorporating the Merchants and Mechanics' Banking and Loan Company, of Atlanta, Ga.

of seven (7) directors shall be elected from among the stockholders to hold office for the period of one year and until their successors are elected and qualified. A majority of the board of directors shall constitute a quorum for the transaction of business. Said board of directors shall have power generally to manage the business of the corporation, elect and appoint all such officers and agents as they may deem necessary and fix their compensation; to remove any officer or agent at any time; to fill any vacancy that may occur in said board; to call a special meeting of the stockholders at any time by giving such notice thereof as may be deemed necessary; to declare dividends when earned; to provide for the sale or forfeiture of any stock by reason of default in paying the installments aforesaid, and to do and perform such other things as shall be delegated to them by the by laws of said corporation.

Quorum.

Powers of directors.

SEC. IV. *Be it further enacted*, That said corporation shall have power to acquire any property, real or personal, by purchase or in satisfaction of any debt due said corporation, or which may have been mortgaged or conveyed to it for moneys which were owing to or advanced by it, and to hold, lease, encumber or dispose of the same, as in the opinion of the board of directors may be for the best interest of the corporation; to do a general banking business, to receive deposits, to deal in precious metals, foreign and domestic exchange; to buy and sell, discount and collect promissory notes, rents or other claims; to discount, buy and sell stocks, bonds and securities generally; to lend or borrow money and also to make loans wherein the principal with interest at the rate agreed upon and not in excess of the highest contract rate allowed by law is to be repaid in equal monthly installments, the first installment to be payable one month from date of loan, and each subsequent installment to be payable upon the expiration of each succeeding month, during such period of time as is agreed on; notes or other securities to be given therefor, and in each of said securities or installments there may be included, besides a proportional part of the principal, the interest upon said proportionate part of the principal calculated to the time of maturity of the last installment; and all loans made by said corporation may be upon personal security, or the same may be secured by conveyances of, or mortgages on real estate or personal property, or in such other manner as is by law provided for.

Property rights.

General banking powers.

Security for loans.

SEC. V. *Be it further enacted*, That said corporation may receive on deposit all sums of money which may be offered it, for the purpose of being invested in such sums, and at such times, and on such terms as the board of directors may agree upon, and which shall be repaid to said depositors at such time and with such interest, not exceeding the lawful rate, and under such regulations as may be fixed by said board; and if money is deposited by any minor, either as an investment or otherwise, such money may be

Deposits.

By minors.

Incorporating the Mutual Loan and Banking Company.

withdrawn by the minor without the consent of his or her parents or guardian, and the check or receipt of each minor therefor shall be as binding upon him or her, as if he or she were of full age.

Rights as
trustee, as-
signee, re-
ceiver.

SEC. VI. *Be it further enacted*, That said corporation shall have power to receive money or other valuables in trust, and to act as trustee, assignee or receiver of any money or other property which may be committed to its charge by grant, conveyance, will, or the order of any court in this State, and such trust or assignment to execute in accordance with the laws of this State, for its care and duties in this behalf, compensation may be paid it as agreed upon, the same not to be in contravention of law.

Liability
of stock-
holder.

SEC. VII. *Be it further enacted*, That each stockholder shall be individually liable for the debts of said corporation to the amount of his or her unpaid subscription to the capital stock, and shall, in addition thereto, be liable to creditors of the corporation to the full amount of the capital stock subscribed to or held by him or her at the time the debt sought to be collected may have been created.

SEC. VIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are repealed.

Approved October 22d, 1887.

INCORPORATING THE MUTUAL LOAN AND BANKING COMPANY.

No. 450.

An Act to incorporate the Mutual Loan and Banking Company, and for other purposes.

Corpora-
tors.

SECTION I. *The General Assembly of the State of Georgia do enact*, That W. T. Gentry, H. H. Jackson, R. J. Griffin, J. N. Bateman, O. T. Ferry, J. M. Stephens, E. B. Hulsey, of said State and such other persons as may be associated with them, and their successors and assignees shall be, and they are hereby constituted and declared to be a body incorporated under the name and style of the "Mutual Loan and Banking Company," to be located in Atlanta, Georgia, with all the rights and privileges belonging to such corporations under the law, and particularly those set forth in section 1679 of the Code (1882) of this State.

Corporate
name.

General
powers.

Capital
stock.

SEC. II. That the capital stock of said corporation shall be seventy-two thousand dollars, divided into two thousand shares of thirty-six dollars each, with the privilege of increasing the same at different times to such amounts as said corporation may deem

Incorporating the Mutual Loan and Banking Company

proper, until the same may reach the sum of three hundred and sixty thousand dollars, the incorporators being hereby authorized to open books of subscription for said stock. The stockholders shall pay in the stock subscribed for by monthly installments, in such sums as shall be determined by the board of directors, not to be less than one dollar per share. Such payments shall continue until the amounts paid in shall be thirty-six dollars per share; *Provided*, any stockholder shall have the right to pay the entire amount subscribed at any time.

Stock subscriptions and payments.

SEC. III. That as soon as five hundred shares shall be subscribed for, and the sum of five thousand dollars paid in on said stock, the incorporation shall have the right to organize and transact business. At the first meeting of the stockholders, to be called by said incorporators, a board of seven directors shall be elected from the stockholders, to hold the office till their successors are elected and qualified, a majority of whom shall constitute a quorum. Said board of directors shall have power to manage the business of the corporation, to elect all officers of the same, to declare dividends when earned, and to provide for the sale or forfeiture of any stock by reason of default in paying the installments aforesaid.

Beginning business.

Directors.

Powers of.

SEC. IV. That said corporation shall have authority to loan money on real estate at any rate of interest that may be agreed on in writing, not in excess of the highest contract rate fixed by law, and it may also make loans for any time agreed on, and charge interest for the whole time and include the same in the note or notes, or other security given therefor, and collect the same in such amounts as may be agreed on, by monthly installments or otherwise, without any rebate of interest thereon, the debtor so agreeing by executing the note or notes or other security aforesaid.

Rights as to loans.

SEC. V. That said corporation shall have authority to do a general banking business, to receive deposits, discount commercial paper, to buy and sell exchange, to acquire and hold real and personal property and dispose of the same, and to perform all acts usual in such cases; *Provided*, however, that said corporation shall not exercise the powers conferred in section four of this Act in its general banking business, it being distinctly understood that the powers conferred in said fourth section shall apply only as to loans made upon real estate as security, as herein set forth.

General banking powers.

Provido.

SEC. VI. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney, and no stockholder shall transfer his stock, except by consent of the directors of said corporation, if he is in-

Transfers of stock.

Incorporating the Hartwell Loan and Savings Bank.

Lien on stock. debted to the corporation as principal, security or otherwise, until such indebtedness is paid off and discharged, and for all such indebtedness said corporation shall have a lien of the highest dignity upon the stock of said stockholders.

Officers. SEC. VII. That the board of directors aforesaid shall elect from their number a president and vice-president; and said directors shall also elect a secretary and treasurer from the stockholders of said corporation, which offices may be held by one person alone, in the discretion of said directors, and from time to time, or at any time, elect such other officers and agents as in their judgment the business may require, fix their compensation, dismiss them, and take bonds with good and sufficient security from persons so elected in such sums as they may deem proper for the faithful execution of their duties.

Bond. SEC. VIII. *Be it further enacted*, That each stockholder in said corporation shall be individually liable for the debts of the corporation to twice the amount of his or her subscription to the capital stock of the corporation.

Liability of stockholders. SEC. IX. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

INCORPORATING THE HARTWELL LOAN AND SAVINGS BANK.

No. 480.

An Act to incorporate the Hartwell Loan and Savings Bank,
and for other purposes.

Corporators. SECTION I. *Be it enacted by the General Assembly of Georgia*, That E. B. Benson, T. N. McMullan, T. W. Teasley, J. L. Turner, T. J. Linder, A. G. McCurry, D. C. Alford, J. W. Williams, J. D. Matherson, A. F. Brown, I. A. Teasley, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby created a body corporate and politic under the name of the Hartwell Loan and Savings Bank, and under said name may sue and be sued, plead and be impleaded, acquire and hold real estate and personal property, and do everything necessary to carry out the purposes of this Act.

Corporate name. SEC. II. *Be it further enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, or two hundred and fifty (250) shares of one hundred (\$100) dollars each, with the privilege of increasing the same to any amount not

General powers.

Capital stock.

Incorporating the Hartwell Loan and Savings Bank.

exceeding one hundred thousand (\$100,000) dollars, or one thousand (1000) shares of one hundred (\$100) dollars each, in the discretion of the board of directors hereinafter provided, and after the same shall have been authorized by a vote of the stockholders, at a meeting called for that purpose, the stockholders shall pay in the capital stock in annual installments, in such sums as may be prescribed by the board of directors, not to be less than \$33⅓ annually per share. Such payments shall continue until the amount paid in shall be one hundred (\$100.00) dollars per share; *Provided*, however, that nothing herein contained shall prevent any stockholder from paying the whole of said one hundred (\$100.00) dollars per share in one payment.

Payments on.

SEC. III. *Be it further enacted*, That as soon as two hundred and fifty (250) shares shall be subscribed, and 33⅓ per cent. actually paid in, said corporation shall have the right to organize and transact business. Each share shall represent one vote, and a majority of the stock represented at any meeting shall constitute a quorum. Stockholders may vote by proxy, said proxy being voted by a stockholder. The principal office of said Hartwell Loan and Savings Bank shall be in the town of Hartwell, Georgia. The first meeting of said company shall be held after ten days' notice, given by the incorporators, or any three of them, in the "Hartwell Sun," or any other newspaper published in said town, and at said meeting, annually thereafter, the stockholders shall elect by ballot a board of five directors, three of whom shall constitute a quorum to transact business. Said board shall elect one of their number president, and all officers of said corporation must be stockholders in the same. The board of directors shall elect a cashier and an attorney for said bank, and shall define their duties and fix their compensation. The annual meeting of the stockholders shall be on the first Tuesday in November of each year, after the first election of officers, at which time the board of directors shall be chosen, as aforesaid, and each board of directors chosen shall act until their successors are elected and qualified.

Beginning business.

Vote of stockholders.

Office.

First meeting of stockholders.

Directors.

Officers.

Annual meeting of stockholders.

SEC. IV. *Be it further enacted*, That said board of directors shall have full power and authority to manage and control the business of said bank; to establish all rules and by-laws for its government; to provide for all cases of defaults made by any stockholder in the payment of installments aforesaid, for the sale, or forfeiture, or transfer of stock, and to do everything necessary or proper to carry out the purposes of this Act.

Powers of directors.

SEC. V. *Be it further enacted*, That said Hartwell Loan and Savings Bank shall have the right to do a general banking business, to receive deposits, discount papers, buy and sell exchange, to acquire and hold real and personal property, and to perform all

General banking powers.

Incorporating the Piedmont Savings Bank.

Loans. acts usual in such cases. Said bank shall have authority to loan money on real estate or such other security as said board of directors may see fit, at any rate of interest that may be agreed on in writing, not in excess of the highest contract rate allowed by law; but said association may make loans for any time agreed on and charge interest for the full time, and include the same in the note or other security given therefor, and may collect the interest when the loan is made, or said loan by monthly installments, if the debtor will so agree, without any rebate of interest thereon, and in such cases all the laws applicable to the sale of securities, real or personal, pledged or conveyed to loan and building associations, are made applicable to the said Hartwell Loan and Savings Bank.

Dividends. SEC. VI. *Be it further enacted*, That the directors of said bank may annually declare a dividend of so much of the net profits as they shall deem expedient, but before declaring such dividend, they shall carry over at least one-tenth of its net profits of the preceding year to the surplus fund, but this may be discretionary after said bank shall have been doing business twenty years.

Liability of stockholders. SEC. VII. *Be it further enacted*, That the stockholders of said company shall be liable individually to the creditors of said company to the extent of the unpaid stock owned by him, and in addition thereto to the extent of the stock owned by him.

Lien on stock. SEC. VIII. *Be it further enacted*, That said bank shall have a lien by operation of law superior to all other liens, except for taxes on the stock of each stockholder in said bank, for any debt due said bank by said stockholder.

Term of charter. SEC. IX. *Be it further enacted*, That this charter shall continue of force for a term of fifty years, with the privilege of renewal.

SEC. X. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE PIEDMONT SAVINGS BANK.

No. 522.

A Act to incorporate Piedmont Savings Bank, of Atlanta, Georgia.

Corporators. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same*, That, Charles C. Nelson, E. F. Gould, Jas. W. Smith, David G. Wylie and Geo. W. Collins, and such other persons as may hereafter be associated with them, and their successors and assigns, are hereby consti-

Incorporating the Piedmont Savings Bank.

tuted a body corporate under the name and style of the Piedmont Savings Bank, and by that name shall have perpetual succession, and may sue and be sued, and plead and be impleaded in any court whatever, with such powers and privileges as are hereinafter provided.

Corporate name.

General powers.

SEC. II. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to two hundred and fifty thousand dollars, said stock to be divided into shares of one hundred dollars each, and when there shall be fifty thousand dollars of said capital stock subscribed, and twenty-five thousand dollars thereof actually paid in, in lawful money of the United States, the said company may organize and begin business in the city of Atlanta, in this State, under this Act.

Capital stock.

Beginning business.

SEC. III. *Be it further enacted*, That the said company may receive deposits and pay thereon such interest as may be agreed upon, not unconstitutional with the laws of this State, buy and sell exchange, discount notes, drafts and other evidences of indebtedness, loan and borrow money, take and give therefor such securities as may be deemed best; invest its funds upon such terms as they may consider best, and buy and sell every species of property, both real and personal, that the interest of the corporation may demand, and do all other acts that the safe-keeping of its funds and the security and profitableness of its investments may demand. Said company shall have power to take mortgages or other forms of security, or property of every kind, both real and personal, to secure loans made by them, and to perform all such legal acts as may be necessary to enforce the payment or fulfillment of any contract made by or with them. Said corporation, if it so desires, shall have and use a common seal, and alter the same at pleasure, and shall generally exercise and enjoy all banking privileges, incident and pertaining to a savings bank, that are not inconsistent with the laws of this State and of the United States.

Deposits.

General banking powers.

SEC. IV. *Be it further enacted*, That the business and corporate powers of the company shall be exercised by a president and five directors, who shall be elected as hereinafter provided, and who shall have power to make such by-laws for the government of their body and its business as they may deem expedient; *Provided*, such by-laws be not in conflict with the laws of this State and of the United States.

Management.

SEC. V. *Be it further enacted*, That the incorporators named in the first section of this Act, or any one of them, may open books of subscription to the capital stock of said company in some convenient place in the city of Atlanta, at such time as they may deem proper. When five hundred shares of one hundred dollars each have been subscribed, the said incorporators, or any two of

Books of subscription.

First meeting of stockholders.

Incorporating the Piedmont Savings Bank.

them, shall call a meeting of all persons who have subscribed to the capital stock of said company to assemble at a time and place to be designated in a written or printed notice which shall be sent to each person who has subscribed to said capital stock. At the time and place designated in said notice an election shall be held under the supervision of the said corporators for a president and five directors, in which and in all subsequent elections each share shall be entitled to one vote, and the person receiving the largest number of votes for president shall be declared the president, and the five persons receiving the largest number of votes for directors shall be declared the directors of said company, and the president and directors shall hold their offices till their successors are elected and qualified.

Elections. SEC. VI. *Be it further enacted,* That the annual or special meeting or convention of stockholders shall be held at such time and under such conditions and circumstances as may be fixed by the by-laws of the company ; but no act of any convention shall be valid unless a majority of the stock is represented.

Stockholders' meetings. SEC. VII. *Be it further enacted,* That certificates of stock shall be issued to each stockholder for the number of shares owned by him, which shall be transferable only on the books of said company under such regulations as shall be established by the by-laws, and that each stockholder of said corporation shall be individually liable for the debts of the company to the amount of his or her unpaid subscription to the capital stock of the company, and in addition thereto each stockholder shall be individually liable to creditors of said company in an amount equal to the capital stock subscribed or held by him or her at the time the debt sought to be collected may have been created.

Certificates of stock. SEC. VIII. *Be it further enacted,* That the president and board of directors shall make annual statements of the condition of said company at the annual meeting or convention of stockholders, and at such other times as by a vote of a majority of the stock subscribed, they may be so required ; and shall semi-annually, as the law requires, make a statement to the Governor of this State of all the debts, liabilities and assets whatever of said company, under oath of the president or cashier before a justice of the peace or other officer authorized to administer oaths, and such statements shall be kept in a book for that purpose for future reference.

Transfers of. SEC. IX. *Be it further enacted,* That this Act shall go into effect immediately upon its passage, and shall continue in force for twenty years.

Liability of stockholders. SEC. X. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Annual statements. Approved October 24, 1887.

Returns to the Governor.

Term of charter.

INCORPORATING THE TRADERS' BANK OF ATLANTA, STATE OF GEORGIA.

No. 527.

An Act to incorporate the Traders' Bank of Atlanta, Georgia.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same,* That P. H. Haralson, W. A. Moore and E. W. Marsh, M. C. Kiser, W. A. Gregg, Thomas M. Clarke, L. H. Beck, E. P. Howell, E. F. Gould and such other persons as may hereafter be associated with them, and their successors and assigns, are hereby constituted a body corporate under the name and style of the Traders' Bank of Atlanta, State of Georgia, and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded in any court whatever, with such powers and privileges as are hereinafter provided.

Corporators.

Corporate name.

General powers.

SEC. II. *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, from time to time, as may be deemed best by the board of directors at any regular or special meeting of said board, but no increase of stock shall be valid unless by the consent in writing of the owners of two-thirds of all the paid up stock, or by a vote of two-thirds of all the paid up stock at any annual meeting for the election of directors, said vote to be by ballot, naming the number of shares voted upon and stating for or against the increase.

Capital stock.

SEC. III. *Be it further enacted,* That the stock of the said Traders' Bank shall be divided into shares of one hundred dollars each, and when there shall be one hundred thousand dollars of said capital stock subscribed, and fifty thousand dollars thereof actually paid in, in lawful money of the United States, the said company may organize and begin business in the city of Atlanta, in this State, under this Act. No more than one-tenth of the capital of this bank shall be loaned to any one person or firm at any one time.

Value of shares.

Beginning business. Restriction on loans.

SEC. IV. *Be it further enacted,* That the said company may receive deposits, buy and sell exchange, discount notes, drafts and other evidences of indebtedness, loan and borrow money, take and give therefor such securities as may be deemed best, invest its funds upon such terms as they may consider best. The said corporation shall have power to take mortgages on

General banking powers, etc.

Incorporating the Traders' Bank of Atlanta, State of Georgia.

real estate to secure its loans to the amount of one-half of its unincumbered cash value, and such other valuable collaterals or endorsements as they may deem best for the security of any indebtedness to the bank, and to perform all such legal acts as may be necessary to enforce the payment or fulfillment of any contract made by or with them, and may charge and collect, in addition to interest, such storage as may be agreed upon between said bank and the party or parties so buying or selling any bonds, bills of exchange or promissory notes, securities or credits, and shall exercise and enjoy the general banking privileges not inconsistent with the laws of the State and of the United States.

SEC. V. *Be it further enacted*, That the business and corporate power of the company shall be vested in a board of seven directors, who shall have power to elect from their number a president and vice-president ; also to appoint a cashier, assistant cashier, and all other employees of the bank, and fix their salaries. All elections for directors shall be held annually, on the second Tuesday in January. They also shall have power to make such by-laws for the government of their body and its business as they may deem expedient ; *Provided*, such by-laws be not in conflict with the laws of the State and the United States.

SEC. VI. *Be it further enacted*, That the corporators named in the first section of this Act, or a majority of them, may open books of subscription to the capital stock of said company in some convenient place in the city of Atlanta at such time as they may deem proper, and when one hundred thousand dollars is subscribed, the said corporators, or any one of them, shall call a meeting of all the persons who have subscribed to the capital stock of said bank, to assemble at a time and place to be designated in a written or printed notice, which shall be sent to each person who has subscribed to the capital stock. At the time and place designated in said notice an election shall be held under the supervision of the said corporators for a board of directors ; each share of the capital stock shall be entitled to one vote. The parties receiving the largest number of votes shall be declared duly elected ; and the board of directors elected at the first meeting shall hold their offices until their successors are elected at the regular annual meeting, and qualified. After said board of directors are duly elected they may organize and commence business as provided in sections three and five of this Act. The balance of the one hundred thousand dollars, or fifty per cent. of the capital stock remaining unpaid at the time of the organization, shall be paid in monthly installments by the subscribers, as

Directors.

Officers.

Elections.

By-laws.

Books of subscription.

First meeting of stockholders.

Vote of stockholders.

First board of directors.

Payments for stock.

Incorporating the Planters' Bank of Ellaville, Ga.

they shall be called upon by the cashier of said Traders' Bank ; the amount to be called for is to be fixed by the board of directors by resolution at any regular or special meeting of said board.

SEC. VII. *Be it further enacted*, That when each subscriber to the capital stock has fully paid the amount that they have subscribed, certificates of stock shall be issued to them for the number of shares owned by them, which shall be transferable only on the books of the bank under such rules and regulations as may be fixed by the by-laws of the bank. Certificates of stock.
Transfers of.

SEC. VIII. *Be it further enacted*, That the shareholders of this association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of this association to the extent of the amount of their stock therein, at par value thereof, in addition to the amount invested in such shares. Liability of stock-holders.

SEC. IX. *Be it further enacted*, That this act shall go into effect immediately upon its passage, and shall continue in force for twenty years. Term of charter.

SEC. X. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE PLANTERS BANK OF ELLAVILLE,
GEORGIA.

No. 538.

An Act to incorporate the Planters' Bank of Ellaville, Schley County, Georgia.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid*, That S. A. Sellars, D. Peacock, J. R. McMichael, W. D. Murray, B. A. Strange, E. Hill, C. H. Smith, C. L. Battle, C. Dickson, Robert Pather, M. A. Peony and H. T. Arrington, and their associates and successors be and are hereby incorporated under the name and style of The Planters' Bank of Ellaville, Georgia, with power to have and use a common seal, sue and be sued, plead and be impleaded, contract and be contracted with, discount bills and other evidences of debt, sell and buy exchange, loan and borrow money and receive and hold the same on deposit, buy and sell real and personal property when necessary in Corporators.
Corporate name.
General powers.
Banking powers, etc.

Incorporating the People's Bank of Jefferson.

business, in its business, and hold and convey the same, and to establish by-laws as may be deemed necessary to carry on a general banking business, not in conflict with the laws of the State of Georgia and of the United States.

Capital stock.

SEC. II. The capital stock of said bank shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each, and each share shall entitle the holder thereof to one vote in all meetings of stockholders. The capital stock may be increased to any amount not to exceed one hundred thousand dollars, by a vote of two-thirds of the stockholders.

First meeting of stockholders.

Directors.

Officers, etc.

Stockholders' meetings.

Reports.

Liabilities of stockholders.

Offices.

SEC. III. As soon as one-half of the capital stock is subscribed, and fifty per cent. of said subscription is paid in, the incorporators, or a majority of them, may call a meeting of the subscribers, and they may organize by electing a board of directors, not less than five or more than nine, as their by-laws may designate, who shall hold their offices one year and until their successors are elected. Such board shall elect one of their number president. They shall also appoint all other officers and employees, and prescribe such bond and security as they may deem necessary. They shall call a meeting of the stockholders at least once in each year, and make to them a full report of the management of said bank the preceding year. Each stockholder of said corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of said bank to the extent of the amount of his or her stock therein at the par value thereof, in addition to the amount invested in said stock.

SEC. IV. The principal office of said bank shall be in Ellaville, in the county of Schley, Georgia, but it may establish agencies in other places if deemed necessary by the directors.

SEC. V. All laws and parts of laws conflicting with this Act be, and are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE PEOPLE'S BANK OF JEFFERSON.

No. 560.

An Act to incorporate the People's Bank of Jefferson.

Corporators.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same.* That F. L. Pendergrass, A. H. Brock, T. H. Niblack, I. T. Austin, T. R. Holder

Incorporating the People's Bank of Jefferson.

J. E. Randolph, P. J. Roberts, H. W. Bell and J. N. Twitty, and such other persons as are now or may hereafter be associated with them be, and they are hereby constituted a body corporate and politic, under the name of the "People's Bank of Jefferson," and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and may have a common seal, with power to alter the same from time to time, and by that name shall be capable of purchasing, taking and holding, and enjoying to them and their successors all property of every nature that may be necessary for the purpose of promoting the objects of said corporation, and of selling, leasing, or otherwise disposing of the same, or any part thereof: they may receive deposits of money, and purchase and sell bills of exchange; lend money, and discount notes and bills of exchange drawn against shipments of produce, or any other valuable property, at their will and pleasure; loan and borrow money, take and give therefor such security as may be deemed best, and said corporation is hereby granted all such powers as are necessary for the purpose of promoting the objects of said corporation, and not inconsistent with the laws of said State and the United States.

SEC. II. *Be it further enacted*, That the principal office of said "People's Bank of Jefferson" shall be located in the town of Jefferson, in the county of Jackson, State of Georgia.

SEC. III. *Be it further enacted*, That the capital stock of said bank shall be twenty-five thousand dollars, to be divided into five hundred shares at fifty dollars per share, to be paid in at such times and in such manner as shall be prescribed by the president and board of directors. Said capital stock may at any time be increased to one hundred thousand dollars by the stockholders, upon a vote of at least two-thirds of the paid up capital stock.

SEC. IV. *Be it further enacted*, That as soon as two hundred shares of the capital stock of said corporation shall be subscribed, and the sum of five thousand dollars shall be paid in on said stock, said corporation shall be authorized to organize and commence business. The first meeting of said "People's Bank of Jefferson" shall be held after said five thousand dollars shall be paid in, and after ten days' notice by publication in the newspapers in said town, given by any three of the incorporators, who shall also be stockholders. At said meeting, and annually thereafter, the stockholders shall elect of their number five directors, three of whom shall constitute a quorum to transact business. The board of directors shall elect one of their number president, and shall also elect a cashier and such other officers as may by them be deemed necessary, who shall perform such duties and

Corporate name

General powers.

Banking powers, etc.

Office.

Capital stock.

Beginning business.

First meeting.

Directors.

Officers.

Incorporating the People's Bank of Jefferson.

Rules, etc. receive such compensation as the board of directors may prescribe and fix. The board of directors may adopt such rules and regulations for the management of the business of the corporation as they may deem proper, and which are not inconsistent with the laws of this State and the United States.

Investments of money. SEC. V. *Be it further enacted*, That said corporation may invest money in any good stocks, bonds and mortgages, or unincumbered real estate, which said real estate shall be worth at least double the amount of the sums invested, to be determined as the directors of the corporation may prescribe, or in the stock or bonds of incorporated companies, at the discretion of the directors.

Certificates of deposit. SEC. VI. *Be it further enacted*, That said corporation shall have power to issue certificates of deposit, said certificates to be issued either with or without interest, but if bearing interest, at a rate not exceeding seven per cent. per annum, as may be agreed upon. No certificate of deposit shall be issued for a smaller denomination than one dollar.

Deposits for investment. SEC. VII. *Be it further enacted*, That the said corporation may receive on deposit all sums of money which may be offered for the purpose of being invested, in such sums and at such times and on such terms as the by-laws or the directors may prescribe, and which shall be repaid to such depositors at such times and with such interest, not exceeding the lawful rate, and under such regulations as the board of directors shall from time to time prescribe.

Limitations as to deposits. SEC. VIII. *Be it further enacted*, That the corporation shall not be required to receive on deposit a less sum than one dollar, nor allow interest till the deposit amounts to five dollars, nor to pay interest on the fractional part of a dollar. and to avoid the calculation of days on small sums, they shall not be required to allow interest on the fractional part of a month.

Liability for debts. SEC. IX. *Be it further enacted*, That the assets of every kind, of said bank shall be liable for any and all debts of said banking company, and in addition thereto, the stockholders shall be individually liable for the debts of the company to the extent of fifty dollars for each share of stock held by them.

Stockholders' liability. SEC. X. *Be it further enacted*, That this charter shall continue in force for a term of fifty years.

Term of charter. SEC. XI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE ATLANTA SAVINGS, LOAN AND TRUST COMPANY.

No. 561.

An Act to incorporate the Atlanta Savings, Loan and Trust Company.

SECTION I. *Be it enacted by the General Assembly of Georgia,* ^{Corporators.}
That Evan P. Howell, Henry B. Tompkins, Joseph Thompson, Livingston Mims, Dudley Du Bose, John A. Fitten, Erastus F. Gould, of said State, their associates and successors, are hereby constituted and declared to be a body corporate and politic under the name of the Atlanta Savings, Loan and Trust Company, with perpetual succession, and with power under this name to sue and ^{Corporate name.} be sued; to have and to use a common seal; to make, alter and ^{General powers.} amend by-laws for its government, not inconsistent with the laws of the United States or of this State.

SEC. II. *Be it further enacted.* That the capital stock of said corporation shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, with the privilege of increasing the same at any time to five hundred thousand dollars, and the incorporators, or a majority of them, are hereby authorized and empowered to open books of subscription for said stock, and to organize and commence business when five ^{Books of subscription.} hundred shares shall have been subscribed and the sum of ten thousand dollars paid in on said stock; the stock shall be paid for in monthly installments of not less than five dollars for each share subscribed for, or in such other way as the directors may decide, and the shares shall be one hundred dollars per share; ^{Beginning business.} *Provided,* that any stockholder shall have the right to pay the entire amount subscribed at any time. ^{Payments for stock.}

SEC. III. *Be it further enacted,* That at the first meeting of the stockholders, called by a majority of the incorporators, a board of seven directors shall be elected from among the stockholders to hold office for the period of one year and until their successors are elected and qualified; a majority of the board of the directors shall constitute a quorum for the transaction of business. Said board of directors shall have power generally to ^{Directors..} manage the business of the corporation, elect and appoint all such officers as they may deem necessary, fix their compensation and do and perform such other things as shall be delegated to them by the by-laws of said corporation. ^{Quorum..} ^{Powers..}

SEC. IV. *Be it further enacted,* That said corporation.

Incorporating the Atlanta Savings, Loan and Trust Company.

Property rights. shall have power to acquire any property, real or personal, by purchase or satisfaction of any debt due said corporation, or which may have been mortgaged or conveyed to it for moneys which were owing to it or advanced by it, and to hold, control or dispose of the same as, in the opinion of the board of directors, may be for the best interest of said corporation; to deal in precious metals, foreign and domestic exchange; to buy and sell, discount and collect promissory notes, bills of exchange, claims or rents; to discount, buy and sell stock, bonds and securities generally; to loan money on real estate and personal property at any rate of interest that may be agreed on in writing, not exceeding the rate allowed by law, and it also may make such loans for any time agreed on, and charge interest for the whole time and include the same in the note or notes, or other security given therefor, and collect the same by monthly installments or otherwise without any rebate of interest thereon if the debtor will so agree.

Banking powers, etc.

Deposits for investment.

Deposits by minors.

SEC. V. *Be it further enacted*, That said corporation may receive on deposit all sums of money which may be offered it, for the purpose of being invested, in such sums and at such times and on such terms as the board of directors may agree upon, and which shall be repaid to such depositors at such time, with such interest, not exceeding the lawful rate, and under such regulations as may be fixed by such board, and if money is deposited by any minor, either as an investment or otherwise, such money may be withdrawn by the minor without the consent of the parent or guardian of such minor, and his or her check or receipt therefor, shall be as binding upon such minor as though he or she were of full age.

Rights as trustee, etc.

Safety deposits, etc.

SEC. VI. *Be it further enacted*, That said corporation shall have power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise or bequest, and hold any real and personal estate, or trust created in accordance with the law of this State, and then to execute the same on such terms as may be established and agreed upon by its board of directors, and said corporation is hereby fully authorized and empowered to act as trustees or assignee, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate; it shall have power and authority to receive for safe-keeping or deposit, all money, bonds, stocks, diamonds, gold, silver-plate and all other valuables, and charge and collect a reasonable compensation for the same, which said

Incorporating the Atlanta Savings, Loan and Trust Company.

charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a Safety Deposit and Trust Company.

SEC. VII. *Be it further enacted*, That said corporation, after fifty thousand dollars shall have been paid in on its capital stock, shall have power to accept and execute the office and appointment of executor of the last will and testament of any person, and of guardian when appointed as such by will, but not otherwise, and the Ordinaries of this State are authorized to grant letters testamentary to said corporation when it is appointed executor of any will. Said corporation shall have power to accept and execute the office of agent, assignee, receiver, or trustee of every kind whatsoever, whether said office or appointment shall be conferred by any person or persons, or by any corporation, public or private, or by any court, either of the United States or of this State. The capital stock, assets and property of this corporation shall be absolutely liable for the faithful management of the trusts, as confided to its care as executor, guardian or trustee, agent, assignee or receiver as aforesaid, and said capital stock, property and assets shall be considered and accepted as security intended in all cases where bonds and securities are required by law, and no other bond or security shall be required for the faithful performance of any duty imposed upon it when this company shall accept such trusts; *Provided*, that any person at interest may, upon motion in a proper court, as a matter of right, require the execution of a bond on the part of said company, conditioned for the faithful execution of the trust reposed in such an amount as the court may determine.

SEC. VIII. *Be it further enacted*, That said corporation shall have power to act as fiscal agent for the State of Georgia, or for any other State, or for any county, city, town, corporation or municipality whatsoever, for negotiating, issuing, registering, selling and countersigning bonds, certificates of stock or other obligations, or for guaranteeing the payment of such bonds, certificates, obligations or coupons, and generally for managing such business for such compensation as may be agreed upon. When the management of any estate or fund is vested in said corporation under the provisions of this Act, said corporation may be sued in the county in which the appointment is made, and it shall be the duty of said corporation to have an agent in every such county upon whom service can be perfected, and in case it fails to have such agents, it may be served by publication as non resident defendants in equity cases are now served. That when said corporation may have moneys in its hands (acting in any of the foregoing fiduciary capacities) it may invest the same in bonds, or public debt of the United States or this State, with like freedom

Rights as
executors.

Guardian.

Agent, re-
ceiver, etc.Liability
for.Bond and
security,
etc.

Provide.

Fiscal
agent, etc.Venue of
suits
agent.

Service.

Invest-
ment of
trust
funds.

Incorporating the Lowry Banking Company of Atlanta.

from liability as though ordered to do so by the will, deed, or other instrument or order or decree of court creating the trust ;

Proviso. *Provided*, such investment be not contrary to any of its directions.

**Change of invest-
ments, etc.** That said corporation shall be obliged to convert into cash or change any investment of stocks, bonds or other securities which may not come into its hands when acting in any of the aforesaid official or fiduciary capacities, unless directed by deed or will, or otherwise required to do so for the payment of debts, expenses or pecuniary legacies. That whenever any court shall appoint said corporation as trustee, assignee or receiver, or deposit with said corporation any moneys, such court may at any time appoint a suitable person to investigate the condition and management of said corporation, who shall report to said court his opinion of the safety and prudence of its investments and of the integrity and ability with which its affairs are conducted, and the security offered and the reasons and figures supporting said opinion. The Governor of this State may, if he sees fit, cause said examinations to be made annually or oftener if in his opinion any emergency should require it.

**Investiga-
tions of
condition,
etc.**

**Liability
of stock-
holders.** SEC. IX. *Be it further enacted*, That each stockholder in said corporation shall be individually liable for the debts of the corporation to the amount of his or her unpaid subscription to the capital stock of the corporation, and the stockholders of said corporation shall be individually liable to the creditors of said corporation to the amount of the capital stock subscribed or at any time held by them respectively.

SEC. X. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE LOWRY BANKING COMPANY OF ATLANTA.

No. 562.

An Act to incorporate the Lowry Banking Company of Atlanta, to grant certain privileges thereto, and for other purposes.

**Corpora-
tors.** SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That W. M. Lowry, Robert J. Lowry, Julius L. Brown, J. H. Porter, Robert C. Clarke, S. M. Inman, T. G. Healey, J. N. Mecalins, George W. Parrott, Joseph T. Orme, Joel Hurt, J. M. High, of the county of Fulton, and Smith Lemon, of the county of Cobb, be, and they are hereby constituted and appointed commissioners to open

Incorporating the Lowry Banking Company of Atlanta.

books of subscription to the capital stock of the company by this Act to be incorporated, and located in the city of Atlanta in this State, to be called the Lowry Banking Company of Atlanta; said commissioners, or any two of them are hereby authorized to keep open said books for such time as they think proper, in the city of Atlanta, and also, if they deem expedient, in the city of New York, and receive subscriptions to any amount not exceeding in the whole six hundred thousand dollars, in shares of one hundred dollars each, whereof ten per cent. shall be paid to said commissioners at the time of subscription; all such subscriptions shall be binding upon the subscribers respectively, and their heirs and legal representatives, and be payable in such installments and at such time as the board of directors of said corporation shall prescribe.

Corporate name.

Books of subscription.

Capital stock.

Payments on stock.

SEC. II. *Be it further enacted*, That when the subscription authorized by the first section of this Act shall amount to three hundred thousand dollars, and ten per cent. thereof shall be paid to said commissioners, then the subscribers shall be and become a body corporate and politic, with continued succession, under the name of the Lowry Banking Company of Atlanta, and by that name shall exercise corporate powers, and be competent to contract and be contracted with, sue and be sued, plead and be impleaded in any court having jurisdiction in the subject-matter involved, and shall be capable of receiving, purchasing, holding, owning and using property of every description, and of aliening, conveying, leasing, mortgaging, or otherwise disposing of the same in any manner that a natural person might lawfully do; said corporation shall have power to make and use, renew and alter at pleasure a corporate seal, and to do all acts and things necessary or proper to carry in effect the object and purposes of this Act and the business of said corporation, not inconsistent with the laws of this State or the United States

General powers.

SEC. III. *Be it further enacted*, That when the commissioners, who may act to receive subscription, as provided for by the first section of this Act, shall have received thirty thousand dollars in cash, on account thereof, they shall cause notice to be given to the subscribers by advertisement in at least one newspaper published in the city of Atlanta, and elsewhere if they see fit, two consecutive weeks prior to the time appointed for the meeting of the subscribers, requiring them to assemble at the time and place to be designated in the publication, to organize and elect a board of directory. On the assembling of the subscribers, or such of them as may choose to attend, the commissioners who may act shall proceed to hold an election, by ballot, for such number of directors of the company as the subscribers present at such meeting shall determine; and no person shall be a director of said com-

First meeting of stockholders.

Election for directors.

Incorporating the Lowry Banking Company of Atlanta.

Qualifications for. pany who shall not be a stockholder in his own name and right to the extent of twenty shares or upwards.

Vote of stockholder. All stockholders, at all elections of the company, and in all matters pertaining to the interest of the company acted on in convention, shall be entitled to one vote for every share of stock owned, and may vote in person or proxy in writing. Executors and administrators shall be entitled to control the votes to which the testator or intestate would be entitled if living, and the stock of minors may be represented by their guardian; that the commissioners, who may act (any two or more named in the first section of this Act) shall be judges of the first election of directors, and shall receive and count the vote, and ascertain the result, and certify accordingly, and the certificate of two or more of said commissioners, who may act, shall be sufficient evidence of the election of persons declared by them to be elected. After the election of said directors, the commissioners shall deliver to the board of directors chosen all moneys and credits in their hands, and the subscription books to the stock of said company, and an account of all their actings and doings as such commissioners, whereupon their functions shall cease.

Conduct of election, etc.

Delivery of books, etc., to directors.

Term of directors.

President.

Vacancies.

Vice-President.

Number of directors.

Quorum.

Powers of directors.

SEC. IV. *Be it further enacted*, That the first and all subsequent board of directors shall be elected to serve one year, or until the election of their successors, and each board shall choose one of their own number as president, who shall act as president of the company, and shall be styled and shall hold the office of president until the election of a successor. Every board of directors shall have power to fill all vacancies which may occur in the office of director or president, and may appoint from their own body, or from the body of stockholders, a vice-president to assist the president and to serve as president of the company during the absence of the regular president.

SEC. V. *Be it further enacted*, The board of directors shall consist of five members; *Provided*, that the company, at any meeting held for the election of directors, may, by vote, enlarge or diminish the number for the current year. A majority of directors at the time of meeting, including the president or president *pro tem.*, shall constitute a board for all purposes, which shall have power to enact all by-laws which may be deemed necessary and proper for the business of the company, and may amend and repeal the same, and may exercise all the powers granted by this Act to the company to be organized under it, and may confer on the president and other officers to be appointed such powers as may be deemed proper, consistent with this Act; and may appoint all such officers and agents as the board may deem necessary and proper for the business of the company, and fix the rate of their salaries or compensation, and may require of any officer

Incorporating the Lowry Banking Company of Atlanta.

or agent appointed by the board such bond and security as may be deemed proper to secure the faithful discharge of duty and trust of such officer or agent, and may declare and pay, or cause to be paid to the stockholders, at such time and manner as they may think proper, dividends from the earned profits of the company; *Provided*, always, that the stockholders, in convention, shall have powers conferred on the board of directors to repeal, alter or amend any by-laws or regulation which may be enacted or established by the board of directors.

SEC. VI. *Be it further enacted*, The board of directors shall have power, from time to time, to prescribe and regulate the manner in which the stock, or certificates of stock, may be transferred; *Provided*, that no stock shall be transferred except on the books of said bank, but no transfer or assignment shall be valid or operate to release the owner thereof from any kind of obligation or debt to the corporation until the same has been paid, and said corporation shall have a lien on said stock until said obligations are paid.

Transfers
of stock.Lien on
stock.

SEC. VII. *Be it further enacted*, That in case any subscriber to the stock of the company shall fail or refuse to pay any of the assessments or calls for payment which may be made by the board of directors within the time required, the board of directors may, at any time thereafter, proceed to enforce the payment of the entire indebtedness for subscription to stock of said defaulting subscriber, by bringing suit therefor in any court of competent jurisdiction, or the said stock belonging to such delinquent may, by resolutions of the board of directors, be sold, in which case the portion previously paid in shall be forfeited to the company.

Failure to
pay for
stock.

SEC. VIII. *Be it further enacted*, That any number of the stockholders of the company who own or represent at the time one-half of the actual capital stock may, by giving twenty days' notice thereof in at least one of the newspapers published in the city of Atlanta, call a meeting or convention of the stockholders of the company at such time and place, in the city of Atlanta, as may be in said call designated; but no act of the stockholders in convention shall be valid or binding on the company unless a majority of the stockholders in value shall be represented.

Called
meetings
of stock-
holders.

SEC. IX. *Be it further enacted*, That the said corporation shall have power and authority to receive deposits and issue certificates for the same, paying such legal rates of interest as may be agreed upon, and under such lawful rules and regulations as said corporation may establish.

Deposits
on interest.

SEC. X. *Be it further enacted*, That said corporation shall have power to receive money on deposit, paying therefor such lawful interest as may be agreed upon; to loan and borrow money;

General
banking
powers,
etc.

Incorporating the Lowry Banking Company of Atlanta.

to take and give therefor such securities as may be deemed best; to invest its funds upon such terms as shall be deemed best, and transfer its property at pleasure; to purchase and discount notes and bills of exchange, and do all other acts it may deem advisable for the safe-keeping and secure and profitable investment of its funds.

Safety deposits, etc. **SEC. XI.** *Be it further enacted,* Said company shall have the power to take charge of, management of, or custody of, and to receive on storage or deposit for safe-keeping or for shipment, goods, wares and merchandise, bullion, specie, freight, stocks, bonds, choses in action, certificates and evidences of debt and title, and other personal property; to guarantee the payment or collection of promissory notes, bills of exchange, bonds, choses in action, and the punctual performance of all contracts, obligations, and to advance and loan money, securities and credit on personal property, and the faith and security thereof, and to transact and carry on all kinds of business usually transacted by warehousemen or safety-deposit companies, and to collect and receive the usual and customary rates of storage and rents for boxes and other property, together with charges and expenses incurred in the receipt and delivery or custody of merchandise or other property received by or stored with said company, together with all advances thereon. Said business above mentioned shall be done upon such lawful terms and conditions as may be agreed upon by the parties or established by said directors.

Guarantors. **SEC. XII.** *Be it further enacted,* That said corporation may establish branches or agencies in such cities and towns as the directors shall determine for the transaction of business, which shall at all times be under the control of the board of directors.

Loans. **SEC. XIII.** *Be it further enacted,* That all capital, property and assets of said bank shall be bound for the payment of its debts and in addition thereto the stockholders shall be individually bound and liable to contribute to the payment of the debts of the bank, each in an amount equal to the par value of the stock held by him, or so much thereof as may be necessary.

Rights as warehousemen, etc. **SEC. XIV.** *Be it further enacted,* The said Lowry Banking Company of Atlanta shall make semi annually to the Governor of the State a correct and sworn statement of their affairs as other banks in this State.

Branches. **SEC. XV.** *Be it further enacted,* That this Act, and all the privileges and powers herein granted, shall continue in force for the term of fifty years from and after the organization of the company, which may be organized under this Act, and the property, funds and business transactions of said company, during its existence, shall be subject to the same rate of taxation as is or may be imposed by law on money or property of the same kind and

Liability for debts.
Liability of stockholders.
Returns to the Governor.
Term of charter.
Taxation.

Incorporating the Greenville Banking Company.

similar transactions of individuals as like corporations or citizens of this State.

SEC. XVI. *Be it further enacted*, That if the sum of three hundred thousand dollars be not subscribed or actually paid in within five years after the passage of this Act, then all the privileges hereby and herein granted shall be forfeited. Forfeiture of charter.

SEC. XVII. *Be it further enacted*, That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved October 24th. 1887.

INCORPORATING THE GREENVILLE BANKING COMPANY.

No. 565.

An Act to incorporate the Greenville Banking Company, and for other purposes connected therewith.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That William T. Revell, Robert D. Render, William A. Terrell, R. P. Tallman, E. B. Terrell, H. W. Hill, John Caldwell, Z. B. Reid, Robt. D. Adair, Benj. F. McLaughlin, Thos. A. Atkinson, John W. Park, Y. F. Freeman, James L. Render, Joseph M. Terrell, J. Wilde Park, A. F. Hill, B. F. Tignor, W. J. Barnes and A. J. Hinton, and such other persons as may hereafter become associated with them, and their successors and assigns, shall hereafter be a body politic and corporate with continuous succession, under the name and style of "The Greenville Banking Company," and by said corporate name shall be competent in law to contract and be contracted with, sue and be sued, plead and be impleaded in any court having jurisdiction over the subject-matter involved, to receive, purchase, own, hold and use property of all descriptions, and alien, convey, lease and mortgage and otherwise dispose of same in any manner that a natural person might lawfully dispose of similar property. Said corporation shall have power to make, use, renew and alter at pleasure a corporate seal, make by-laws not inconsistent with the laws of the land, and do all acts and things necessary or proper to carry into effect the objects and purposes of this Act, and to exercise in general all the powers incident to corporations and necessary and proper for the transaction of the business for which it is incorporated. The said corporation shall be located in Greenville, Georgia. Corporate name.
General powers.

Incorporating the Greenville Banking Company.

Capital stock. SEC. II. *Be it further enacted,* That the capital stock of this corporation shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each; but it shall have power, after said stock shall have been paid up, to increase its said capital stock from time to time, to any sum not to exceed two hundred thousand dollars whenever it may be deemed expedient by the stockholders in meeting assembled, two-thirds of the entire stock being voted in favor of such increase before the same can be effected; said corporation is hereby authorized to commence business as soon as twelve thousand and five hundred dollars shall be paid in upon said capital stock, and the board of directors shall be authorized to call in the balance of said capital stock in such installments and at such times as may be deemed necessary by said board.

Beginning business. SEC. III. *Be it further enacted,* That the persons named in the first section of this Act, or any three of them, are hereby appointed commissioners with power to open books of subscription to said capital stock at such times and places, and for such length of time, as they may deem best. And when twenty-five thousand dollars of stock shall have been subscribed for, ten dollars on each share shall be at once paid in cash to said commissioners; thereupon said commissioners shall cause notice to be given the subscribers requiring them to assemble at the time and place named in the notice to organize this incorporation and elect a board of directors and other officers. On assembling of the subscribers, or such of them as may choose to attend in person or by written proxy, they shall proceed to hold an election for the first board of directors (which shall consist of seven) for this corporation under the supervision of said commissioners, who shall declare the result of said election and turn over to said board so elected the money subscribed on account of said stock, the charter and subscription lists, and thereupon this corporation will be organized. All subscriptions to the capital stock shall be binding upon the subscribers and upon their heirs and assigns and legal representatives, and shall be payable in such installments as the directors may require, and if any stockholder shall fail to pay any such installment in sixty days after the same is due, his stock shall be in default, and the same shall be sold out to the highest bidder for cash, on the first Tuesday in any month, before the court-house door in Greenville during the legal hours of sale, or otherwise, upon such notice and advertisement as may be deemed necessary by the board of directors, and said stock may be bought in by and for said corporation and be reissued to some other person, upon his paying the value of the same, including unpaid installments, the delinquent stockholder receiving

Books of subscription.**First meeting of stockholders.****Election for directors.****Payments for stock.****Failure to pay.**

the surplus, if any, over and above the expenses incident upon said sale, including attorney's fees, if any; and any deficiency in the sum received at said sale necessary to make the amount due on said stock, and all of said expenses shall be made good to said corporation by said delinquent stockholder. A new certificate of stock shall be issued to the purchaser, and he shall stand in the same relation to said corporation as the delinquent would have done had he not so made default. If installments on stock are paid during said sixty days, the stockholder so paying shall also pay interest from the time said amounts were due. Each stockholder shall be entitled to one vote for each share, and such rate may be given in person or by written proxy, and a plurality of votes shall elect.

Vote of stockholders.

SEC. IV. *Be it further enacted,* That the corporate powers of said corporation shall be vested in and exercised by the board of directors who shall serve one year and until successors are elected, except the first board, which shall serve until successors are elected, and who shall choose out of their own number a president and vice-president, and shall appoint such officers and agents as may in their judgment be necessary, fix their salaries and define their duties, requiring of any officer or agent so appointed such bond and security as may be deemed by said board proper to secure the faithful discharge of the duties of the trust reposed in them; said board of directors shall have power to make by-laws for the management of the affairs of said corporation, and to do all things necessary for the protection of its interest, in conformity with the provisions of the Act; subject to revision, modification or repeal by the stockholders in meeting or convention assembled. The directors shall have power to declare dividends out of the earnings of said corporation, and to fill all vacancies in their board. No person shall be a director who does not own in his own name at least five unpledged and unincumbered shares of stock, and whenever any director ceases to own that amount of stock, unpledged and unencumbered, the board shall declare such person to be no longer a director, and proceed to fill such vacancy. Certificates of stock shall be issued to the stockholders in such form and transferred in such manner as the directors may prescribe, but no transfer or assignment of shares shall operate to release any stockholder from any obligation to the corporation without the consent of the board. The regular annual meeting of stockholders for the election of directors shall be held at the principal office of the corporation in Greenville, on the second Tuesday in January of each year; but if no election shall be held on that day, it may be held on any other subsequent day

Directors.

Officers.

Power of directors.

Dividends.

Qualifications for director.

Certificates of stock.

Transfers of.

Annual meetings.

Incorporating the Greenville Banking Company.

Failure to elect directors. selected by the board of directors, notice having been given in the newspaper wherein the legal advertisements of said county are published, for ten days prior to the time of said election; and if the board of directors should, within thirty days after said second Tuesday, fail to make a call for the meeting for election as above, then the stockholders representing two-thirds of the shares may do so on the same notice as above. The board of directors shall

Called meetings. have power to call a meeting or convention of the stockholders whenever said board may deem it proper to do so upon giving the notice above provided. Any member of the stockholders of said corporation who owns or represent at the time two-fifths of the capital stock, may, by giving twenty days notice thereof in the above-named newspaper, call a meeting of all the stockholders of the corporation at such time and place, in the city of Greenville, as may be in such call designated, but no act of the stockholders in the meeting shall be valid or binding on the corporation, unless a majority of the stockholders in value shall be represented, except the election of directors. Nothing herein provided for shall prevent the board of directors from calling a meeting of the stockholders whenever said board may deem it proper to do so.

General banking powers, etc.

SEC. V. *Be it further enacted*, That the Greenville Banking Company shall have power and authority to receive money on deposit and to issue certificates of deposit on any lawful terms agreed upon; to loan and borrow money and to take and give therefor such securities as may be considered best; to make advances on real or personal property, or both; to invest its funds in such manner and upon such terms as it may deem best, and to transfer its property at pleasure; to receive valuables and other articles of personal property of any sort or kind, including certificates of stock, securities and other evidences of the same, or of titles thereto on deposit for safe-keeping, from any person or persons as well as from executors, administrators, guardians, receivers, trustees, corporations, public and private officers, and all other fiduciaries, the said corporation charging and receiving therefor such sums of money as may be agreed upon; to deal in precious metals, foreign and domestic exchange; to buy, sell, discount or collect promissory notes, bills of exchange, bills of lading, contracts, claims, receipts, rents, choses-in-action of any kind whatever, mortgages, bonds, stocks, securities and evidences of debt generally; to buy, sell, rent, improve, mortgage, lease, manage or otherwise to have, hold, operate or control any real or personal property in this or any other State or Territory of the United States, to receive deposits of money for investment purposes on such lawful terms as may be agreed upon, and to issue

Incorporating the Greenville Banking Company.

receipts or certificates therefor; to negotiate, buy or sell for others stocks, bonds, bills of exchange, promissory notes, rents, mortgages, choses-in-action, securities and personalty of all kinds, and real estate in this or any State or Territory of the United States, to advance and loan money on the same and to negotiate advances and loans upon the same, and to invest funds for others generally, upon such lawful terms and conditions as may be agreed upon by and between said corporation and those with whom it may deal; to receive from persons or corporations mortgages or deeds conveying property, real or personal, in trust to said corporation, securing negotiable notes or bonds, with or without coupons, not bearing a greater interest than the highest contract rate fixed by law of this State, upon such terms and subject to such powers, conditions and limitations as may be agreed upon and not in conflict with the laws of this State, and which terms, powers, limitations and conditions shall be made and subscribed by the persons or corporations so executing and delivering such mortgages or deeds in trust, and to sell or negotiate such notes or bonds so secured, or allow to be sold or negotiated by such persons or corporations so executing and delivering same on such terms as may be agreed upon; *Provided*, that for such services of negotiating or selling or receiving and paying over proceeds of the sale of said note or notes, bond or bonds, to the persons or corporations executing the same, said corporation shall in no case charge a larger compensation than the commissions now allowed by law to trustees for receiving and paying over moneys; to execute and issue its own debentures, bonds, or other evidences of debt, bearing interest not exceeding the highest contract rate allowed by the laws of Georgia, single or in series, or in classes of any denomination, properly secured upon property placed with said corporation for said purposes, or upon property owned or held by it; to guarantee, insure or endorse interest bearing loans, notes, bonds, debentures or other evidences of debt, when said corporation is fully secured, and to negotiate and issue or cause the same to be issued for value; to guarantee or insure titles to real estate for valuable consideration; to execute and to issue, demand, receive and enforce all such receipts, certificates, contracts, bonds or other instruments of writing as may be necessary for the transaction of its business; to receive savings on deposit under such requirements and regulations as may be prescribed by the board of directors, and to do a general banking, exchange, savings bank, loan and trust company business, and to do all acts as may be considered by it advisable and best for carrying on the same.

SEC. VI. *Be it further enacted*, That said corporation, after twenty-five thousand dollars shall have been paid in on its capital stock, shall have power to accept and exe- Rights as executor.

Incorporating the Greenville Banking Company.

cute the office and appointment of the executor of the last will and testament of any person, and of guardian when appointed as such by will, but not otherwise, and the Ordinaries of this State are authorized to grant letters testamentary to said corporation when it is appointed executor of any will. Said corporation shall have power to accept and execute the office of agent, assignee, receiver or trustee of every kind whatever, whether such office or appointment shall be conferred by any person or persons, or by any corporation, public or private, or by any court either of the United States or of this State. The capital stock, assets and property of this corporation shall be absolutely liable for the faithful management of the trusts confided to its care as executor, guardian or trustee, agent, assignee or receiver as aforesaid, and said capital stock, property and assets shall be considered and accepted as the security intended in all cases where bonds and securities are required by law, and no other bond or security shall be required for the faithful performance of any duty imposed upon it when this company shall accept such trusts; *Provided*, that any person at interest may, upon motion in the proper court, as a matter of right, require the execution of a bond, on the part of said company, conditioned for the faithful performance of the trust reposed in such an amount as the court may determine.

SEC. VII. *Be it further enacted*, That said corporation shall have power to act as fiscal agent for the State of Georgia, or for any other State, or for any county, city, town, corporation or municipality whatsoever, for negotiating, issuing, registering, selling and countersigning bonds, certificates of stock or other obligations, and for paying bonds, coupons, certificates of stock or other obligations, or for guaranteeing the payment of such bonds, certificates, obligations or coupons, and generally for managing such business for compensation as may be agreed upon. When the management of any estate or fund is vested in said corporation under the provisions of this Act, said corporation may be sued in the county in which the appointment was made, and it shall be the duty of said corporation to have an agent in every such county, upon whom service can be perfected, and in case it fails to have such agents, it may be served by publication as non-resident defendants in equity cases are now served. That when said corporation may have moneys in its hands (acting in any of the foregoing fiduciary capacities), it may invest the same in bonds of public debt of the United States or of this State, with like freedom from liability as though ordered to do so by the will, deed or other instrument or order or decree of court creating the trust; *Provided*, such investment be not contrary to any of its direc-

Incorporating the Greenville Banking Company.

tions. - That said corporation shall not be obliged to convert into cash or change any investment of stocks, bonds or other securities which may not come into its hands when acting in any of the aforesaid official or fiduciary capacities, unless directed by deed or will or otherwise required to do so for the payment of debts, expenses or pecuniary legacies. That whenever any court shall appoint said corporation as trustee, assignee or receiver, or deposit with said corporation any moneys, such court may at any time appoint a suitable person to investigate the condition and management of said corporation, who shall report to said court his opinion of the safety and prudence of its investments, and of the integrity and ability with which its affairs are conducted, and the security offered, and the reasons and figures supporting said opinion. The Governor of this State may, if he sees fit, cause such examination to be made annually or oftener, if in his opinion any emergency should require it.

Change of investments.

Investigation of condition.

SEC. VIII. *Be it further enacted*, That married women and minors shall be competent to make deposits with said corporation, of money or otherwise, and their checks, receipts for same, shall be a sufficient discharge to said corporation, and any contract made by them with said corporation, as to said deposits, shall be valid and binding in law, and such deposits shall not be subject to the claims, control or debts of the husband of such married women, or of the parents or guardians of such minors.

Deposits by married women and minors.

SEC. IX. *Be it further enacted*, That said corporation shall have its principal office in the city of Greenville, Georgia, but may do and transact business within its corporate scope anywhere in the United States of America, and may establish agencies for transaction of its business at any place within the State of Georgia or elsewhere, and may delegate to them such powers as may be necessary for the business of such agencies or branches.

Offices.

SEC. X. *Be it further enacted*, That said corporation shall be responsible to its creditors to the extent of its property and assets, and the stockholders shall be individually liable, equally and ratably, and not one for another, as sureties to the creditors of said corporation to the amount of their stock therein respectively (at par value), in addition to the amount invested in said shares.

Liability for debts.

Liability of stockholders.

SEC. XI. *Be it further enacted*, That this charter shall be of force and effect for the term of fifty years from the date of the organization of said corporation.

Term of charter.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

Amending Charter of the Athens Savings Bank.

AMENDING CHARTER OF THE ATHENS SAVINGS BANK.

No. 567.

An Act to amend an Act to incorporate the Athens Savings Bank, so as to strike out the third section of said Act and insert in lieu thereof a new section to be known as section third.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That section (3) third of an Act to incorporate the Athens Savings Bank, approved October 19th, 1885, be, and the same is hereby stricken out, and that there shall be inserted in lieu thereof the following words, to-wit:

SEC. III. *Be it further enacted,* That the principal office of said Athens Savings Bank shall be in Athens, Ga. The affairs of said bank shall be managed by a board of directors, under such by-laws as they deem best, who shall consist of not less than five (5) nor more than (12) twelve persons (as the board may determine at its next meeting held after the passage of this Act, when the present board may increase its number until the next election), a majority of whom shall constitute a quorum for the transaction of business. The annual meeting of said bank shall be on the first Tuesday in July, of each year, at which time the board of directors, and such other officers as the stockholders may see fit, shall be elected by a majority vote of the stockholders of the corporation.

The Athens Savings Bank shall have power and authority to receive money on deposit (and to issue certificates of deposit) on any terms agreed on; to loan and borrow money, and to take and give therefor such securities as may be considered best; to make advances on real or personal property, or both; to invest its funds in such manner and upon such terms as it may deem best, and to transfer its property at pleasure; to receive valuables or other articles of personal property, or of any sort or kind, including certificates of stock, securities and other evidences of the same, or of titles thereto, on deposit for safe keeping, from any person or persons, as well as from executors, administrators, guardians, receivers, trustees, corporations, public and private officers, and all other fiduciaries, the said corporation charging and receiving therefor such sums of money as may be agreed upon; to deal in precious metals, foreign and domestic exchange; to buy, sell, discount or collect promissory notes, bills of exchange, bills of lading, contracts, claims, receipts, rents, choses in action of any kind whatsoever, mortgages, bonds, stocks, securities, and evidences of

debt generally; to buy, sell, rent, improve, mortgage, lease, manage, or otherwise to have, hold operate in or control any real or personal property in this or any other State or Territory of the United States; to receive deposits of money for investment purposes on terms agreed on, and to issue receipts or certificates therefor; to negotiate, buy or sell for others, stocks, bonds, bills of exchange, promissory notes, rents, mortgages, choses in action, security and personalty of all kinds, and real estate in this or any other State or Territory of the United States; to advance and loan money on the same, and to negotiate advances and loans upon the same, and invest funds for others generally upon such terms and conditions as may be agreed upon by and between said corporation and those with whom it may deal; to receive from persons or corporations mortgages or deeds conveying property, real or personal, in trust to said corporation, securing negotiable notes or bonds, with or without coupons, not bearing a greater rate of interest than the highest contract rate fixed by law of this State upon such terms and subject to such powers, conditions and limitations as may be agreed on, or be required by the by-laws or by the board of directors of said corporation, and not in conflict with the laws of this State, and which terms, powers, limitations and conditions shall be made and subscribed by the persons and corporations so executing and delivering such mortgages or deeds in trust, and to sell and negotiate such notes or bonds so secured, or allow them to be sold or negotiated by such persons or corporations so executing and delivering same on such terms as may be agreed upon; *Provided*, that for such services of negotiating or selling and receiving and paying over the proceeds of the sale of said note or notes, bond or bonds, to the persons or corporations executing the same, said corporation shall in no case charge a larger compensation than the commissions now allowed by law to trustees for receiving and paying over moneys; to execute and issue its own debentures, bonds, or other evidences of debt bearing interest not exceeding the highest contract rate allowed by laws of Georgia, singly or in series or classes, of any denomination, properly secured upon property placed with said corporation for said purposes, or upon property owned or held by it; to guarantee, insure or endorse interest bearing loans, notes, bonds, debentures or other evidences of debt when said corporation is fully secured, and to negotiate and issue, or cause same to be issued for value; to guarantee or insure titles to real estate for valuable consideration; to execute and to issue, demand, receive and enforce all such receipts, certificates, contracts, bonds or other instruments of writing as may be necessary for the transaction of its business; to receive savings on deposit under such requirements and regulations as may be prescribed by the board of directors, not inconsistent with the laws

Investment deposits.

Loan brokerage.

Proviso..

Bonds.

Guaran..

Savings deposits..

Incorporating the Central Trust and Banking Company of Georgia.

of this State or of the United States, paying therefor such interest as may be agreed upon ; to do a general banking, exchange, savings bank, loan and trust company business, and to do all acts as may be considered by it advisable and best for carrying on same.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved, October 24, 1887.

INCORPORATING THE CENTRAL TRUST AND BANKING COMPANY OF GEORGIA.

No. 572.

An Act to incorporate The Central Trust and Banking Company of Georgia, and to define its powers, rights and duties, and for other purposes.

SECTION I *Be it enacted by the General Assembly of Georgia*, That A. O. Bacon, George W. Turpin, J. M. Johnson, James H. Campbell, Henry J. Lamar, and their associates and successors, stockholders in the corporation hereby created, are hereby created a body corporate by the name of the Central Trust Company of Georgia, and by that name shall have continuous succession, and may contract, and be contracted with, as well as sue and be sued in any court whatsoever

SEC. II. *Be it further enacted*, That the corporation hereby created shall have power to take and hold money, stocks and all descriptions of personal property on general or special deposit, and all descriptions of personal and real property in trust, and as security, or in payments of debts due or to become due said company; to accept and execute all such trusts of every description as may be committed to it by any person or persons whatsoever, or by any corporation; to buy, collect, adjust, settle and sell, bonds, stocks, notes, mortgages, choses-in-action, and to deal in other personal property; to loan money or mortgage, or other security; to borrow money or pledge its property, or in any part thereof, as security; to negotiate loans or conduct other transactions on commission; to make bond of indemnity; to become surety for the obligations of persons and other corporations; to purchase real estate in this State or elsewhere, at any sale made in virtue of any loan or mortgage made or held by said company, and hold, lease, sell or convey the same at pleasure, and generally to take, hold, sell, lease, improve and deal in real estate, and to do a general banking business under the laws of Georgia, and in the conduct thereof to be subject to all the requirements thereof.

Corporators.

Corporate name.

General powers.

Deposits.

Powers as trustee.

Purchase and sale, etc., of personal property.

Loans, etc.

Brokerage.

Suretyship.

Real estate.

General banking business.

PART II.—TITLE II.—BANKS, LOAN AND TRUST COMPANIES. 411

Incorporating the Central Trust and Banking Company of Georgia.

SEC. III. *Be it further enacted,* That the capital stock of said company shall consist of one thousand shares of the value of one hundred dollars each, with the privileges to encrease or decrease the same by vote of the stockholders at any annual meeting or special meeting called for that purpose; and the corporators, or a majority of them, named in the first section of this Act, shall have power to open books of subscription at such times and places as they may deem expedient; and when not less than one thousand shares have been subscribed, and ten per centum thereon shall have been paid in, the shareholders may elect such number of directors, not less than five, as the by-laws of the company may from time to time prescribe, to serve until the next annual election, or until their successors shall be duly elected and qualified; and the directors so selected may at once proceed to the organization of said company by the election of such officers and agents as by-laws may prescribe, and they may and are hereby authorized and empowered to have and exercise, in the name and in behalf of the company, all the rights, powers and privileges which are hereby given or intended to be given.

Capital stock.
Books of subscription.
Directors.
Organization.
Powers of directors.

SEC. IV. *Be it further enacted,* That the stockholders of said corporation shall be individually liable for the debts of the corporation to the amount of the capital stock unpaid on their respective shares, until such shares shall be fully paid up, and in addition thereto the stockholders shall each be individually liable in an amount equal to the stock subscribed for by them at its par value.

Liability of stockholders.

SEC. V. *Be it further enacted,* That the board of directors shall make all by-laws for the government of the company and the conducting of the business thereof; and shall have power to require payment of the amount remaining unpaid of the stock of the company, at such times and in such manner as they shall think proper, and under penalty in case of non-payment as required, of forfeiture to the company of such stock and all previous payments thereon.

By-laws.
Payments on stock.

SEC. VI. *Be it further enacted,* That the said company shall have an office in the city of Macon and State of Georgia, but the directors may, by resolution, establish branches or agencies elsewhere in the United States as the business of said company may require

Offices.

SEC. VII. *Be it further enacted,* That this Act shall take effect from and after its passage, and all laws conflicting with the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE PATAULA BANKING COMPANY.

No. 573.

An Act to incorporate "The Pataula Banking Company, of Fort Gaines, Clay county, Georgia.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That J. E. Peterson, W. J. Green, R. A. Turnipseed, C. O. Morris, J. E. Paullin, D. C. Adams, J. R. Simpson and A. L. Foster be, and they are hereby appointed commissioners to open the books of subscription to the capital stock of said company, by this Act to be incorporated and located in the city of Fort Gaines, Clay county, Georgia, to be called "The Pataula Banking Company."

SEC. II. *Be it further enacted,* That the capital stock of said company shall be ten thousand (\$10,000) dollars, with privileges of increasing same to one hundred thousand (\$100,000) dollars divided into shares of one hundred (\$100) dollars each.

SEC. III. *Be it further enacted,* That said commissioners, or any two of them, are authorized, immediately after the passage of this Act, to open said books and receive subscriptions to the capital stock of said company, and that when the said sum of ten thousand (\$10,000) dollars shall have been subscribed, the said commissioners, who are acting, shall call the subscribers together, at a time and place designated, in Fort Gaines, as they may see fit. On the assembling of said subscribers, the said acting commissioner shall proceed to hold an election for five directors, by ballot. They shall superintend the same, count the ballots, and certify the result in said election, as well as in all others in the future, the said subscribers, their attorneys-in-fact, on legal representation, shall have one vote for each share subscribed or held by him or her. When said directors are elected, as aforesaid, the functions of said commissioners shall cease, and the said "The Pataula Banking Company" shall be fully incorporated; *Provided*, that said company shall not receive any deposits or transact any banking business until five thousand dollars of its capital stock has been actually paid in.

SEC. IV. *Be it further enacted,* The officers of said company shall be five directors, a president, a cashier and book-keeper, to be elected by the board of directors. No one shall be a director who does not own *bona fide*, or has *bona fide* subscribed for ten shares. The duties, responsibilities and liabilities and bonds of all officers to be fixed by the directors in their by-laws. The directors

Incorporating the Palmdale Banking Company.

elected as provided by the commissioners, and the officers elected by the directors shall hold their respective offices for twelve months, dating from their election.

Of officers, etc.

Terms of office.

SEC. V. *Be it further enacted*, That upon the election of said board of directors, said commissioners shall turn over and deliver to the said board of directors the subscription books and such funds and other property as they may have received by virtue of their office, such subscription shall, upon such election, be binding upon the subscribers, respectively, their heirs and legal representatives, and be payable at such times and in such installments as the board of directors shall prescribe; *Provided*, that the first call shall not be for more than fifty per cent. and the second shall not be under sixty (60) days therefrom. Said directors shall have the power to enforce the payment of said stock by forfeiting the unpaid stock, or by an immediate sale thereof, after sixty (60) days from the maturity of such call, or sue upon such subscription in any court of the county of his residence having jurisdiction, after the expiration of said time.

Subscription lists, etc., to be turned over to directors.

Stock subscriptions.

Payments of.

SEC. VI. *Be it further enacted*, That the powers of said company shall be :

General powers.

1st. To have continued succession under its corporate name. 2nd. To have and possess a common seal, and to alter or renew the same at pleasure. 3rd. To contract, be contracted with, to sue, be sued, plead and be impleaded, under its corporate name. 4th. To acquire, receive, purchase, hold, own, use, have, mortgaged to, sell, dispose of, rent or mortgage any kind of property, real or personal, just as any natural person might or could. 5th. To receive deposits and give certificates therefor, and pay such legal interest as may be agreed upon. 6th. To deal in foreign and domestic exchange. 7th. To buy, sell, discount or collect notes, bills of exchange, bonds, mortgages, contracts, choses in-action, stocks, claims and rents. 8th. To loan and borrow money, and to give and take security therefor. 9th. To invest its funds to the best advantage. 10th. To transact a general banking business. 11th. To make, amend and alter such by-laws as may be necessary and consistent with the laws and Constitution of this State. These powers are conferred upon the board of directors, and by them may be conferred upon any officer or agent, subject to their control. And in the discharge of such powers, the said board shall be subject to the supervision of the stockholders in convention assembled.

SEC. VII. *Be it further enacted*, That the tenure of each of the directors shall be twelve (12) months, or until their respective successors are elected and qualified. The regular meeting of the stockholders shall be fixed by the board of directors. At this

Terms of directors.

Stockholders.

Incorporating the Waynesboro Loan and Banking Company.

meeting the officers shall be elected, the directors by the stockholders, and the other officers by the board of directors elected. At such election the president and cashier shall each make full reports of their actions and doings, and the condition of the company, and a sworn statement shall be forwarded to the Governor of Georgia, as the law provides. One-fourth of the stockholders in interest may at any time, by giving notice of five days through the post office, call a meeting of the stockholders, but no act of these will be legal unless a majority of the stock is therein represented. Vacancies of all kinds may be filled by the board or remaining boards. The directors may at any time call the stockholders together by giving requisite notice.

SEC. VIII. *Be it further enacted*, That dividends may be declared from the earnings of the company at the annual meetings.

SEC. IX. *Be it further enacted*, That transfers of stock are always subject to the consent of the directors, and must be entered on the records of the company. All stock is subject to the indebtedness of the holder to the company, and no transfer can be made without the express consent of the directors.

SEC. X. *Be it further enacted*, That the company's liability to its creditors shall be to the full extent of all its property, and each stockholder shall be liable for the debts of the company, created while he is stockholder in said company, in double the amount of his or her holdings of stock, owned or subscribed for by him or her, at the time the debt was created.

SEC. XI. *Be it further enacted*, That this Act, and all the privileges and powers herein granted, shall continue in force for the term of thirty years (30) from and after the organization of the company which may be organized under this Act.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE WAYNESBORO LOAN AND BANKING COMPANY.

No. 579.

An Act to incorporate the Waynesboro Loan and Banking Company, to define its powers, and for other purposes therewith connected.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same*, That C. T. Belt, T. M. Berrien, L. J. Belt, of the county of Burke, their asso-

Corporators.

Incorporating the Waynesboro Loan and Banking Company.

ciates and successors, be, and they are hereby created a body corporate under the name and style of Waynesboro Loan and Banking Company, and by that name may sue and be sued, contract and be contracted with, plead and be impleaded, to have and use a common seal, to make by-laws binding on their own members not inconsistent with law, to receive, hold, use, own, lease, operate, manage and control such property, real and personal, as it may acquire, and to do all such acts as are necessary for the transaction of its affairs.

Corporate name.

General powers.

SEC. II. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, with liberty of increasing the same to one million dollars, and said company may organize and begin business when one hundred thousand dollars has been subscribed and twenty thousand dollars has been paid in.

Capital stock.

SEC. III. *Be it further enacted*, That the persons herein named as corporators shall be authorized to open books of subscriptions. and shall be authorized to manage and control said company's affairs till an organization is effected. The officers of said company shall consist of a board of directors of not less than three nor more than seven, and of whom the president of said company shall be *ex officio* a member, a general manager and such other officer and agents as may be selected and appointed by said board.

Books of subscription.

Officers.

SEC. IV. *Be it further enacted*, That each stockholder shall be entitled to one vote for each share of stock owned by him. The annual meeting of said company shall be held on the second Monday in January of each year, at which the president and directors of said company shall be elected, and such other business as may properly come before it shall be transacted.

Vote of stockholders.

Annual meetings of stockholders.

SEC. V. *Be it further enacted*, That said company shall have power to loan and borrow money; to buy and sell notes, bills and exchange; to discount notes and commercial paper; to buy, hold, use, lease, sell and control real and personal property held or acquired by said company; to buy and sell real and personal property; to receive property as security for debt; to issue certificates of deposit; to receive money or valuables on deposit; to pay interest on deposits by special contract; to take land or personal property as security, and generally to do and perform such other acts as corporations are by law authorized to do and perform.

Banking powers, etc.

SEC. VI. *Be it further enacted*, That the stock of said company shall be divided into shares of one hundred dollars each. That all the capital stock, property and assets of said bank shall be bound for the payments of its debts, and in addition thereto the stockholders shall be bound and liable to contribute to the payment of the debts of the bank, each in an amount equal to the par value of the stock held by him or her, or so much thereof as may be necessary; *Provided*, as to depositors, each shareholder

Value of shares.

Liability for debts.

Liability of stockholders.

Incorporating the Coweta Bank.

shall be liable in a sum equal to double the amount of his stock.

SEC. VII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved October 24th, 1887.

INCORPORATING THE COWETA BANK.

NO. 583.

An Act to incorporate the Coweta Bank, and for other purposes connected therewith.

Corporators. Corporate name. General powers. Location. Capital stock. Beginning business.	SECTION I. <i>Be it enacted by the General Assembly of Georgia</i>, That James E. Brown, James P. Levenett, Joseph T. Kivly, Henry C. Arnald, William Y. Atkinson, and such other persons as may hereafter become associated with them, and their successors and assigns, shall hereafter be a body politic and corporate, with continuous succession, under the name and style of The Coweta Bank, and by said corporate name shall be competent in law to contract and be contracted with, sue and be sued, plead and be impleaded with, in any court having jurisdiction over the subject matter involved; to receive, purchase, own, hold and use property of all descriptions, and alien, convey, lease and mortgage or otherwise dispose of same in any manner that a natural person might lawfully dispose of similar property. Said corporation shall have power to make, use, renew and alter at pleasure a corporate seal, make by-laws not inconsistent with the laws of the land, and do all acts and things necessary or proper to carry into effect the objects and purposes of this Act, and to exercise in general all the powers incident to corporations and necessary and proper, for the transaction of the business for which it is incorporated. The said corporation shall be located in Newnan, in this State, but may be moved to any other place in the State of Georgia, by a vote of a majority of its stock in favor of such place. SEC. II. <i>Be it further enacted</i>, That the capital stock of this corporation shall be twenty-five thousand dollars (\$25,000) to be divided into shares of one hundred dollars (\$100) each, but it shall have power after said stock shall have been paid up, to increase its said capital from time to time to any sum not to exceed five hundred thousand dollars (\$500,000) whenever it may be deemed expedient by the stockholders, in meeting assembled, two-thirds of the entire stock being voted in favor of such increase before the same can be effected. Said corporation is hereby authorized to commence business as soon as five thousand dollars, (\$5,000) shall be paid upon said capital stock, and the board of directors
---	--

Incorporating the Coweta Bank.

shall be authorized to call in the balance of said capital stock in such installments and at such times as may be deemed necessary by said board. Calls for payments on stock.

SEC. III. *Be it further enacted*, That the persons named in the first section of this Act, or any three of them, are hereby appointed commissioners, with power to open books of subscription to said capital stock at such times and places and for such length of time as they may deem best, and when twenty five thousand dollars (\$25000) of stock shall have been subscribed for, ten dollars (\$10) on each share shall be at once paid in cash to said commissioners, and thereupon the said commissioners shall cause notice to be given to the subscribers by publication in a newspaper published in the city of Newnan at least three (3) days prior to the time appointed for the meeting of the subscribers, requiring them to assemble at the time and place to be designated in the publication, to organize this corporation, and to elect a board of directors. On the assembling of the subscribers, or such of them as may choose to attend, in person or by written proxy, they shall proceed to hold an election for the first board of directors, which shall consist of nine, for this corporation, under the supervision of said commissioners, who shall declare the result of said election, and turn over to the board so elected the money subscribed on account of said stock, the charter and subscription list, and thereupon this corporation will be organized. All subscriptions to the capital stock shall be binding upon the subscribers, and upon their heirs, assigns and legal representatives, and shall be payable at such time and in such installments as the directors may require, the board of directors giving at least one notice in a public gazette published in the city of Newnan ten days prior to the day fixed for the payment of such installments; and if any stockholders shall fail to pay any such installments so called for thirty days after the time designated in such call, his stock shall be in default, and the board of directors shall cause same to be sold out to the highest bidder for cash on the first Tuesday of any month, before the court-house door in Newnan, during the legal hours of sale, by an auctioneer, if necessary, upon such notice and advertisements as may be deemed proper by the board, and said stock may be bought in by and for said corporation and be re-issued to some other subscriber upon his paying up the value of same, including the amount of the call, the delinquent stockholder receiving the surplus, if any, which said defaulted stock may bring at such sale over and above the expenses incident upon said sale, advertisement, charges and attorney's fees, if any, and the amount of said call, and any defi-

Books of subscription.

First meeting of stockholders.

Election of directors.

Effects of subscriptions.

Payments on.

Failure to pay.

Incorporating the Coweta Bank.

ciency in the sum thus received necessary to make the amount of the call, and all expenses, advertisement charges and attorney's fees shall be made good to said corporation by said delinquent stockholder. A new certificate of stock shall be issued to the purchaser, and he shall stand in the same relation to said corporation as the delinquent would have done had he not so made default. If any installments are paid during the thirty days (30) the stockholder so paying shall also pay interest at the rate of eight (8) per centum per annum upon said installment from the date of the maturity of said call to date of payment as aforesaid. Each stockholder shall be entitled to one vote for each share of stock standing in his or her name at all elections for directors, including the organization meeting, or in any convention of the stockholders, and such votes may be given in person or by written proxy duly appointed. All votes shall be by ballot at any election (including the organization meeting), and a plurality of votes shall elect.

Vote of
stockhold-
ers

Term of
directors.

Officers
and vacan-
cies.

General
power of
directors.

Dividends,
etc

Qualifica-
tions of
directors.

SEC. IV. *Be it further enacted*, That the corporate powers of said corporation shall be vested in and exercised by the board of directors, who shall serve one year and until the election of their successors, except the first board, which shall serve until successors are elected, and who shall choose one of their own number a president and vice president, and shall have power to fill any vacancies which may occur in said board, and shall appoint such officers and clerks as may in their judgement be necessary, fix their salaries, and define the duties of such officers and clerks and remove them when it seems to said board proper to do so, requiring of any officer or agent so appointed such bond and security as may be deemed by said board proper to secure the faithful discharge by him of his duties and of the trusts reposed in him. Said board of directors shall have power to make any by-laws for the management of the affairs of said corporation, and do all things necessary for the protection of its interest, in conformity with the provisions of this Act, subject to revision, modification or repeal by the stockholders in meeting or convention assembled. The directors shall have power to declare dividends out of the earnings of said corporation; *Provided*, that no dividends shall be declared until the earnings are sufficient to pay the same after deducting all expenses and losses, and after placing at least ten per cent. of such net earnings annually to a permanent surplus fund until such surplus fund shall be equal to twenty (20) per cent. of the capital paid in, after which time at least five (5) per cent. of the net earnings shall be added to the surplus fund annually. No person shall be eligible as a director who does not own in his own name at least five (5) shares of the stock unpledged and unencumbered, and whenever it shall become known to the board that any director has ceased to be the owner of five (5) shares of stock,

Incorporating the Coweta Bank.

unpledged and unencumbered as aforesaid, the board shall, as soon as possible thereafter, declare such person to be no longer a director, and shall fill such vacancy in the board. The board of directors shall consist of not less than five nor more than thirteen, a majority of whom shall be residents of Newnan, Georgia, and a majority of those known to be in the city at the time of any meeting of the board, including the president and vice-president, shall be a quorum for the transaction of business. Certificates of stock shall be issued to the stockholders in such form, and transferred in such manner as the directors may prescribe, but no transfers or assignments of shares shall operate to release any stockholder from any obligation to the corporation without the consent of the board. The regular annual meeting of stockholders for the election of directors shall be held at the principal office of the corporation, in Newnan, Georgia, or at such place as it may be moved to by the stockholders, on the second Tuesday of January, of each year, but if no election shall be held on that day, it may be held on any subsequent day, selected by the board of directors, notice once a week for four (4) weeks in all cases having been given in a newspaper published in the city or county where the principal office of the corporation is, and if the board of directors should, within thirty days after the said second Tuesday in January, fail to make a call for the meeting for election as above, then the stockholders representing two-thirds of the shares may do so on same notice as above.

Number of.

Quorum.

Certificates of stock.

Transfers of.

Annual meetings of stockholders.

SEC. V. *Be it further enacted*, That any number of stockholders of said corporation who own, or represent at the time, two-fifths of the capital stock may, by giving twenty days' notice thereof, in a newspaper published in the city or county where the principal office of corporation is located, call a meeting or convention of all the stockholders of the corporation at such time and place in the city where the principal office of the corporation may be, as may be in such call designated; but no act of the stockholders in meeting or convention, except the election of directors, shall be valid or binding on the corporation, unless a majority of the stockholders in value shall be represented. Nothing herein provided for shall prevent the board of directors from calling a meeting or convention of the stockholders whenever said board may deem it proper to do so.

Called meetings.

SEC. VI. *Be it further enacted*, That the Coweta Bank shall have power and authority to receive money on deposit (and to issue certificate of deposit) on any terms agreed on; to loan, and borrow money, and to take and give therefor such securities as may be considered best; to make advances on real or personal property or both, upon the person applying for the loan at his own expense making proof of his title to invest its funds in such

General banking powers, etc.

Incorporating the Coweta Bank.

manner and upon such terms as it may deem best, and to transfer its property at pleasure ; to receive valuables or other articles of personal property, or of any sort or kind, including certificates of stock, securities and other evidence of the same, or of titles thereto on deposit for safe-keeping, from any person or persons, as well as from executors, administrators, guardians, receivers, trustees, corporations, public and private officers, and all other fiduciaries, the said corporation charging and receiving therefor such sums of money as may be agreed upon; to deal in precious metals, foreign and domestic exchange, to buy, sell, discount or collect promissory notes, bills of exchange, bills of lading, contracts, claims, receipts, rents, choses-in-action of any kind whatsoever, mortgages, bonds, stock, securities, and evidences of debt generally; to buy, sell, rent, improve, mortgage, lease, manage or otherwise to have, hold, operate in or control any real or personal property in this or any other State or Territory of the United States; to receive deposits of money for investment purposes on terms agreed on, and to issue receipts or certificates therefor; to negotiate, buy or sell for others, stocks, bonds, bills of exchange, promissory notes, rents, mortgages, choses-in-action, securities and personalty of all kinds, and real estate, in this or any other State or Territory of the United States, to advance and loan money on the same, and to negotiate advances and loans upon the same, and invest funds for others generally, upon such terms and conditions as may be agreed upon by and between said corporation and those with whom it may deal; to receive from persons or corporations mortgages or deeds conveying property, real or personal, in trust to said corporation, securing negotiable notes or bonds, with or without coupons, not bearing a greater interest than the highest contract rate fixed by law of this State, upon such terms and subject to such powers, conditions and limitations as may be agreed on, or be required by the by-laws, or by the board of directors of said corporation, and not in conflict with the laws of this State, and which terms, powers, limitations and conditions shall be made and subscribed by the persons and corporations so executing and delivering such mortgages or deeds in trust, and to sell or negotiate such notes or bonds so secured, or allow them to be sold or negotiated by such persons or corporations so executing and delivering same on such terms as may be agreed upon; *Provided*, that for such services of negotiating or selling and receiving and paying over proceeds of the sale of said note or notes, bond or bonds to the persons or corporations executing the same, said corporation shall in no case charge a larger compensation than the commissions now allowed by law to trustees for receiving

and paying over moneys ; to execute and issue its own debentures, bonds or other evidences of debt, bearing interest not exceeding the highest contract rate allowed by laws of Georgia, singly or in series, or classes of any denomination properly secured, upon property placed with said corporation for said purposes, or upon property owned or held by it ; to guarantee, insure or indorse without or for a valuable consideration, interest-bearing loans, notes, bonds, debentures or other evidences of debt, when said corporation is fully secured, and to negotiate and issue, or cause same to be issued for value ; to guarantee, or insure titles to real estate for valuable consideration ; to execute and to issue, demand, receive and enforce all such receipts, certificates, contracts, bonds or other instruments of writing, as may be necessary for the transaction of its business ; to receive savings on deposit, under such requirements and regulations as may be prescribed by the board of directors, "not inconsistent with the laws of this State or of the United States," paying therefor such interest as may be agreed upon ; to do a general banking, exchange, saving bank, loan and trust company business ; and do all acts as may be considered by it advisable and best for carrying on the same ; *Provided*, that nothing herein contained shall be so construed as to authorize the Coweta Bank to make any charge for commissions or interest in violation of the usury laws of the State.

SEC. VII. *Be it further enacted*, That said corporation shall have power to accept and execute the office and appointment of executor of the last will and testament of any person, and of guardian when appointed as such by will, but not otherwise ; and the Ordinaries of this State are authorized to grant letters testamentary to said corporation, when it is duly appointed executor of any will ; said corporation shall have power to accept and execute the office of agent, assignee, receiver or trustee of every kind whatsoever, whether the office or appointment shall be conferred by any person or persons, or by any corporation, private or public, or by any court either of the United States or this State. The capital stock, property and assets, of this corporation, shall be absolutely liable for the faithful management of the trust confided to its care as executor, guardian or trustee, agent, assignee or receiver, as aforesaid ; and such capital stock, property and assets shall be considered and accepted as the security intended in all cases where bonds and securities are required by law. And no other bond or security shall be required for the faithful performance of any duties imposed upon it, when this company shall accept such trusts ; *Provided*, that upon a proper showing made to any court of competent jurisdiction, bond and security may be required. That all laws of force in this State, and not contrary

Right to be executor.

Guardian.

Agent, receiver, etc.

Liability for trust funds, etc.

Bond.

Incorporating the Coweta Bank.

to the provision of this Act, concerning executors, administrators, guardians, trustees, assignees or receivers, shall apply to this company when appointed to such office. That said corporation shall have power to act as fiscal agent for the State of Georgia, or for any other State, or for any county, city, town, corporation or municipality whatsoever, for negotiating, issuing, registering, selling and countersigning bonds, certificates of stock, or other obligations, and for paying bonds, coupons, certificates of stock, or other obligations, or for guaranteeing the payment of such bonds, certificates, obligations or coupons (or for doing or performing any other contracts or obligation by the corporation), and generally for managing such business for such corporations as may be agreed upon. When the management of any estate or fund is vested in said corporation, under the provisions of this Act, said corporation may be sued, as to any matter connected therewith in the county in which the appointment was made, and it shall be the duty of said corporation to have an agent in every such county upon whom service can be effected, and in case it fails to have such agent, it may be served by publication as non-resident defendants in equity causes are now served. That when said corporation shall have moneys in its hands (acting in any of the aforesaid fiduciary capacities) which ought to be invested, it may invest same in the bonds or public debt of the United States, or of this State, or in bonds endorsed or guaranteed by the State of Georgia, or in any bonds allowed by this State for the investment of fiduciary funds, with like freedom from liability as though ordered to do so by the will, deed, or other instrument, or order, or decree of court creating the trust; *Provided*, such investment be not contrary to any of its directions; that said corporation shall not be obliged to convert into cash or change any investment of stocks, bonds, or other security which may come into its hands when acting in any of the aforesaid official or fiduciary capacities unless directed by deed, or will, or otherwise required to do so for the payment of debts, expenses or pecuniary legacies; that whenever any court shall appoint said corporation as trustee, assignee or receiver, or deposit with said corporation any moneys, such courts may at any time appoint a suitable person to investigate the condition and management of said corporation, who shall report to said court his opinion of the safety and prudence of its investments, and of the integrity and ability with which its affairs are conducted, and the reasons and figures supporting said opinion; the Governor of this State may, if he sees fit, cause such examination to be made by the proper person or persons, annually, or oftener if in his opinion any emergency should require it; but nothing in this Act shall be so construed as to exempt this corporation from making the usual returns and exhibits required by law from other banks; *Provided*, the powers.

Fiscal agent.

Venue of suits against.

Service of.

Investment of trust funds.

Change of investments, etc.

Investigation of condition.

granted in this section shall not be exercised until the said bank shall have a paid up capital of twenty-five thousand dollars. Paid up capital necessary.

SEC. VIII. *Be it further enacted*, That married women and minors shall be competent to make deposits with said corporation, of money or otherwise, and their checks or receipts for same shall be a sufficient discharge to said corporation, and any contract made by them with said corporation in course of business with said corporation as to said deposits, shall be valid and binding in law; and such deposits shall not be subject to the claims, control, or debts of the husbands, respectively, of such married women, or the parent, or guardians, respectively, of such minors. Deposits by married women and minors, etc.

SEC. IX. *Be it further enacted*, That said corporation shall have its principal office in the city of Newnan, Georgia, with right of removal as aforesaid, but may do or transact business, within its corporate scope, anywhere within the United States of America, and the board of directors shall have power to establish agencies for the transaction of the business of said corporation at any place or places within the State of Georgia, or elsewhere, that they may deem advisable, and may appoint such agents or officers, and delegate to them such powers as may be necessary for the business of such agencies or branches. Offices and agencies.

SEC. X. *Be it further enacted*, That said corporation shall be responsible to its creditors to the extent of its property and assets, and the stockholders shall be individually liable, equally and ratably, and not one for another, as sureties to the creditors of said corporation, for all contracts and debts of said corporation, to the extent of the amount of their stock therein (at the par value thereof), respectively, at the time the debt was created, in addition to the amount invested in such shares. Liability for debts. Liability of stockholders.

SEC. XI. *Be it further enacted*, That the powers, franchises and privileges granted by this Act to said corporation, shall not be repealed or changed so as to effect its power faithfully to execute and carry out any trust held by, or contracts entered into by said corporation, or so as to injure any interest committed to its care and management, without the consent of all the stockholders, creditors and persons interested. Changes in powers, franchises, etc.

SEC. XII. *Be it further enacted*, That this charter shall be of force and effect for the term of fifty (50) years from the date of the organization of said corporation. Term of charter.

SEC. XIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE BLUE RIDGE BANKING, LOAN AND TRUST COMPANY.

No. 586.

An Act to incorporate the "Blue Ridge Banking, Loan and Trust Company;" to define its powers and privileges, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That W. B. Tate, F. C. Tate, Sam'l Tate, P. M. Tate and S. L. Tate, and such other persons as may hereafter become associated with them, and their successors and assigns, shall hereafter be a body politic and corporate, with continuous succession under the name and style of the "Blue Ridge Banking, Loan and Trust Company," and by said corporate name shall be competent in law to contract and be contracted with, sue and be sued, plead and be impleaded in any court having jurisdiction over the subject-matter involved; to receive, purchase, own, hold and use property of all descriptions, and alien, convey, lease and mortgage, and otherwise dispose of same in any manner that a natural person might lawfully dispose of similar property. Said corporation shall have power to make, use, renew and alter at pleasure a corporate seal, make by-laws not inconsistent with the laws of the land, and do all acts and things necessary or proper to carry into effect the object and purposes of this Act, and to exercise in general all the powers incident to corporations and necessary and proper for the transaction of the business for which it is incorporated. The said corporation shall be located in Jasper, in this State.

SEC. II. *Be it further enacted,* That the capital stock of this corporation shall be fifty thousand (\$50,000) dollars, to be divided into shares of one hundred (\$100) dollars each; but it shall have power, after said stock shall have been paid up, to increase its said capital stock, from time to time, to any sum not to exceed five hundred thousand (\$500,000) dollars whenever it may be deemed expedient by the stockholders in meeting assembled, two-thirds of the entire stock being voted in favor of such increase before the same can be effected. Said corporation is hereby authorized to commence business as soon as twenty thousand (\$20,000) dollars shall be paid in upon said capital stock, and the board of directors shall be authorized to call in the balance of said capital stock in such installments and at such times as may be deemed necessary by said board.

SEC. III. *Be it further enacted*, That the persons named in the first section of this Act, or any three of them, are hereby appointed commissioners, with power to open books of subscription to said capital stock at such times and places, and for such length of time as they may deem best, and when fifty thousand (\$50,000) dollars of stock shall have been subscribed for ten (\$10) dollars on each share, shall be at once paid in cash to said commissioners, and thereupon the said commissioners shall cause notice to be given to the subscribers prior to the time appointed for the meeting of the subscribers, requiring them to assemble at the time and place to be designated in the publication to organize this corporation, and to elect a board of directors. On the assembling of the subscribers, or such of them as may choose to attend, in person or by written proxy, they shall proceed to hold an election for the first board of directors (which shall consist of five) for this corporation, under the supervision of said commissioners, who shall declare the results of said election and turn over to the board so elected the money subscribed on account of said stock, the charter and subscription lists, and thereupon this corporation will be organized. All subscriptions to the capital stock shall be binding upon the subscribers and upon their heirs, assigns and legal representatives, and shall be payable at such times and in such installments as the directors may require, the board of directors giving at least ten (10) days' notice prior to the day fixed for the payment of such installments, and if any stockholder shall fail to pay any such installment so called for, for thirty (30) days after the time designated in such call, his stock shall be in default, and the board of directors shall cause same to be sold out to the highest bidder for cash on the first Tuesday of any month, before the court-house door in Jasper, during the legal hours of sale, by an auctioneer, if necessary, upon such notice and advertisement as may be deemed proper by the board, and said stock may be bought in by and for said corporation and be re-issued to some other subscriber upon his paying up the value of same, including the amount of the call, the delinquent stockholders receiving the surplus, if any, which said defaulted stock may bring at such sale over and above the expenses incident upon said sale, advertisement charges, and attorney's fees, if any, and the amount of said call, and any deficiency in the sum thus received necessary to make the amount of the call, and all said expenses, advertisement charges, and attorney's fees shall be made good to said corporation by said delinquent stockholder. A new certificate of stock shall be issued to the purchaser, and he shall stand in the same relation to said corporation as the delinquent would have done had he not so made default. If installments are paid during the said thirty (30) days, the stockholders so paying shall also pay interest at the rate of eight (8) per centum per annum upon said installments, from the maturity of said call to

Books of subscription.

First meeting of stockholders.

Election of directors.

Effect of subscriptions.

Payments of.

Failure to pay.

Incorporating the Blue Ridge Banking, Loan and Trust Company.

Vote of stockholders. date of payment as aforesaid. Each stockholder shall be entitled to one vote for each share of stock standing in his or her name, at all elections for directors, including the organization meeting, or in any convention of stockholders, and such vote may be given in person or by written proxy duly appointed. All votes shall be by ballot at any elections, including the organization meeting, and a plurality of votes shall elect.

Term and powers of directors, etc. SEC. IV. *Be it further enacted*, That the corporate powers of said corporation shall be vested in and exercised by the board of directors, who shall serve one (1) year, and until the election of their successors, except the first board, which shall serve until successors are elected, and who shall choose out of their own number a president and a vice-president, and shall have power to fill any vacancies which may occur in said board, and shall appoint such officers and clerks as may, in their judgment, be necessary, fix their salaries, and define the duties of such officers and clerks, and remove them where it seems to said board proper to do so, requiring of any officer or agent so appointed such bond and security as may be deemed by said board proper to secure the faithful discharge by him of his duties and of the trusts reposed in him. Said board of directors shall have power to make by-laws for the management of the affairs of said corporation, and do all things necessary for the protection of its interests in conformity with the provisions of this Act, subject to revision, modification or repeal by the stockholders in meeting or convention assembled. The directors shall have power to declare dividends out of the earnings of said corporation; *Provided*, that no dividends shall be declared until the earnings are sufficient to pay the same after deducting all expenses and losses, and after placing at least ten (10) per cent. of such net earnings annually to a permanent surplus fund until such surplus fund shall be equal to twenty (20) per cent. of the capital paid in, after which time at least five (5) per cent. of the net earnings shall be added to the surplus fund annually. No person shall be eligible as a director who does not own in his own name at least ten (10) shares of the stock, unpledged and unincumbered, and whenever it shall become known to the board that any director has ceased to be the owner of ten (10) shares of stock, unpledged and unincumbered as aforesaid, the board shall as soon as possible thereafter declare such person to be no longer a director, and shall fill such vacancy in the board. The board of directors shall consist of not less than three (3) nor more than five (5), a majority of whom shall be residents of Pickens county, Georgia, and a majority shall be a quorum for the transaction of business. Certificates of stock shall be issued to the stockholders in such form and transferred

Dividends.

Qualifications for director.

Number of directors, etc.

Quorum. Certificates of stock.

in such manner as the directors may prescribe; but no transfers or assignments of shares shall operate to release any stockholder ^{Transfers of.} from any obligation to the corporation without the consent of the board. The regular annual meeting of stockholders for the election of directors shall be held at the principal office of the corporation in Jasper, Georgia, on the second Tuesday of January of each year; but if no election shall be held on that day, it may be held on any subsequent day selected by the board of directors, notice once a week for four (4) weeks in all cases having been given in a newspaper; and if the board of directors should, within thirty (30) days after the said second Tuesday in January fail to make a call for the meeting for election as above, then the stockholders representing two-thirds ($\frac{2}{3}$) of the shares may do so on same ^{Annual meetings of stockholders.} notice as above. ^{As above.}

SEC. V. *Be it further enacted*, That any member of the stock holders of said corporation who own, or represent at the time two-fifths ($\frac{2}{5}$) of the capital stock, may, by giving twenty (20) days notice thereof in a newspaper, call a meeting or convention of all the stockholders of the corporation at such time and place, in the town of Jasper, as may be in such call designated, but no act of the stockholders in meeting or convention except the election of directors, shall be valid or binding on the corporation, unless a majority of the stockholders in value be represented. Nothing herein provided for shall prevent the board of directors from calling a meeting or convention of the stockholders whenever said board may deem it proper to do so. ^{Called meetings.}

SEC. VI. *Be it further enacted*, That the Blue Ridge Banking, Loan and Trust Company shall have power and authority to receive money on deposit (and to issue certificates of deposit) on any terms agreed on; to loan and borrow money and to take and give therefor such securities as may be considered best; to make advances on real or personal property, or both; to invest its funds in such manner and upon such terms as it may deem best, and to transfer its property at pleasure; to receive valuables or other articles of personal property, or of any sort or kind, including certificates of stock, securities and other evidence of the same, or of titles thereto, on deposit for safe keeping from any person or persons, as well as from executors, administrators, guardians, receivers, trustees, corporations, public and private officers and all other fiduciaries, the said corporation charging and receiving therefor such sums of money as may be agreed upon; to deal in precious metal, foreign and domestic exchange; to buy, sell, discount or collect promissory notes, bills of exchange, bills of lading, contracts, claims, receipts, rents, choses-in-action of any kind whatsoever, mortgages, bonds, stocks, securities and evidences of debt generally; to buy, sell, rent, improve, mortgage, ^{General banking powers, etc.}

lease, manage or otherwise to have, hold, operate in or control any real or personal property in this or any other State or Territory of the United States ; to receive deposits of money for investment purposes on terms agreed on and to issue receipts or certificates therefor ; to negotiate, buy or sell for other stocks, bonds, bills of exchange, promissory notes, rents, mortgages, choses-in-action, securities and personalty of all kinds, and real estate in this or any other State or Territory of the United States; to advance and loan money on the same, and to negotiate advances and loans upon same, and invest funds for others generally upon such terms and conditions as may be agreed upon by and between said corporation and those with whom it may deal ; to receive from persons or corporations, mortgages or deeds conveying property, real or personal, in trust to said corporation, securing negotiable notes or bonds, with or without coupons, not bearing a greater interest than the highest contract rate fixed by law of this State, upon such terms and subject to such powers, conditions and limitations as may be agreed on, or be required by the by-laws or by the board of directors of said corporation, and not in conflict with the laws of this State, and which terms, powers, limitations and conditions shall be made and subscribed by the persons and corporations so executing and delivering such mortgages or deeds in trust, and to sell or negotiate such notes or bonds so secured, or allow them to be sold or negotiated by such persons or corporations so executing and delivering same on such terms as may be agreed upon; *Provided*, that for such services of negotiating or selling and receiving and paying over proceeds of the sale of said note or notes, bond or bonds, to the person or corporations executing the same, said corporation shall in no case charge a larger compensation than the commissions now allowed by law to trustees for receiving and paying over moneys; to execute and issue its own debentures, bonds or other evidences of debt, bearing interest not exceeding the highest contract rate allowed by laws of Georgia, singly or in series, or classes of any denomination properly secured upon property placed with said corporation for said purposes, or upon property owned or held by it; to guarantee, insure or endorse interest bearing loans, notes, bonds, debentures or other evidences of debt, when said corporation is fully secured, and to negotiate and issue or cause same to be issued for value; to guarantee or insure titles to real estate for valuable consideration; to execute and to issue, demand, receive and enforce all such receipts, certificates, contracts, bonds or other instruments of writing as may be necessary for the transaction of its business; to receive savings on deposits under such requirements and reg-

Incorporating the Blue Ridge Banking, Loan and Trust Company.

ulations as may be prescribed by the board of directors, "not inconsistent with the laws of this State or of the United States," paying therefor such interest as may be agreed upon; to do a general banking, exchange, savings bank, loan and trust company business, and to do all acts as may be considered by it advisable and best for carrying on the same.

SEC. VII. *Be it further enacted*, That said corporation shall have power to accept and execute the office and appointment of executor of the last will and testament of any person, and of guardian when appointed as such, and the Ordinaries of this State are authorized to grant letters to said corporation when it is duly appointed executor, administrator or guardian; said corporation shall have power to accept and execute the office of agent, assignee, receiver or trustee of every kind whatsoever, whether the office or appointment shall be conferred by any person or persons, or by any corporation, private or public, or by any court, either of the United States or of this State. The capital stock, property and assets of this corporation shall be absolutely liable for the faithful management of the trust confided to its care as executor, administrator, guardian or trustee, agent, assignee or receiver, as aforesaid; and such capital stock, property and assets shall be considered and accepted as the security intended in all cases where bonds and securities are required by law, and no other bond or security shall be required for the faithful performance of any duties imposed upon it, when this company shall accept such trusts; *Provided*, that upon a proper showing, made to any court of competent jurisdiction, bond and security may be required; that all laws of force in this State, and not contrary to the provisions of this Act concerning executors, administrators, guardians, trustees, assignees or receivers, shall apply to this company when appointed to such office; that said corporation shall have power to act as fiscal agent for the State of Georgia, or for any other State, or for any county, city, town, corporation or municipality whatsoever, for negotiating, issuing, registering, selling and countersigning bonds, certificates of stock or other obligations, and for paying bonds, coupons, certificates of stock or other obligations, or for guaranteeing the payment of such bonds, certificates, obligations or coupons (or for doing or performing any other contracts or obligations by this corporation), and generally for managing such business for such corporation as may be agreed upon. When the management of any estate or fund is vested in said corporation under the provisions of this Act, said corporation may be sued as to any matter connected therewith in the county in which the appointment was made, and it shall be the duty of said corporation to have an

Rights as
executor.

Guardian.

Agent, re-
ceiver, etc.

Liability
for man-
agement of
trusts.

Bonds.

Fiscal
agent.

Venue of
suits
against.

Service of. agent in every such county, upon whom service can be effected, and in case it fails to have such agent, it may be served by publication as non-resident defendants in equity causes are now served; that when said corporation shall have moneys in its hands (acting in any of the aforesaid fiduciary capacities) which ought to be invested, it may invest same in the bonds or public debts of the United States or of this State, or in bonds indorsed or guaranteed by the State of Georgia, or in any bonds allowed by this State for the investment of fiduciary funds, with like freedom from liability as though ordered to do so by the will, deed or other instrument or order or decree of court creating the trust; *Provided*, such investments be not contrary to any of its directions; that said corporation shall not be obliged to convert into cash or change any investments of stocks, bonds or other securities which may come into its hands when acting in any of the aforesaid official or fiduciary capacities unless directed by deed or will, or otherwise required to do so for the payment of debts, expenses or pecuniary legacies; that whenever any court shall appoint said corporation as trustee, assignee or receiver, or deposit with said corporation any moneys, such court may at any time appoint a suitable person to investigate the condition and management of said corporation, who shall report to said court his opinion of the safety and prudence of its investments and of the integrity and ability with which its affairs are conducted and the reason and figures supporting said opinion. The Governor of said State may, if he sees fit, cause such examination to be made by the proper person or persons annually or oftener if, in his opinion, any emergency should require it; but nothing in this Act shall be so construed as to exempt this corporation from making the usual returns and exhibits required by law from other banks and trust companies.

Investment of trust funds.

Change of investments, etc.

Investigation of condition.

Deposits by married women and minors.

SEC. VIII. *Be it further enacted*, That married women and minors shall be competent to make deposits with said corporation of money or otherwise, and their checks or receipts for same shall be a sufficient discharge to said corporation, and any contract made by them with said corporation in course of business with said corporation as to said deposits, shall be valid and binding in law, and such deposits shall not be subject to the claims, control or debts of the husbands, respectively, of such married women, or the parents or guardians, respectively, of such minors.

Liability for debts.

Liability of stockholders.

SEC. IX. *Be it further enacted*, That said corporation shall be responsible to its creditors to the extent of its property and assets, and the stockholders shall be individually liable, equally and ratably, and not one for another, as sureties to the creditors of said corporation, for all contracts and debts of said corporation

to the extent of the amount of their stock therein (at the par value thereof), respectively, at the time the debt was created, in addition to the amount invested in such shares.

SEC. X. *Be it further enacted*, That said corporation shall have its principal office in Jasper, Georgia, but may do or trans-act business, within its corporate scope, anywhere in the United States of America, and the board of directors shall have power to establish agencies for the transaction of the business of said corporation at any place or places, within the State of Georgia, or elsewhere, that they may deem advisable, and may appoint such agents or officers, and delegate to them such powers as may be necessary for the business of such agencies or branches. Offices and agencies.

SEC. XI. *Be it further enacted*, That the powers, franchises and privileges granted by this Act to said corporation, shall not be repealed or changed so as to affect its powers, faithfully to execute and carry out any trusts held by or contracts entered into by said corporation, or so to injure any interest committed to its care and management without the consent of all the stockholders, creditors and persons interested. Repeal or change of franchises, etc.

SEC. XII. *Be it further enacted*, That this charter shall be of force and effect for the term of fifty (50) years from the date of the organization of said corporation. Term of charter.

SEC. XIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

Incorporating the Georgia Mutual Insurance Company

TITLE III.

INSURANCE COMPANIES.

ACTS.

Incorporating The Georgia Mutual Insurance Company.
 Incorporating The Guaranty Mutual Fire Insurance Company.
 Incorporating The Georgia Fire Insurance Company of LaGrange.
 Incorporating The Marietta Insurance Company.
 Incorporating The Southern Phoenix Insurance Company.
 Amending Charter of The Atlanta Home Insurance Company.
 Renewing Charter of The Georgia Insurance Company.
 Incorporating The Manufacturers' Insurance Mutual Aid Society.

INCORPORATING THE GEORGIA MUTUAL INSURANCE COMPANY.

No. 255.

An Act to incorporate "The Georgia Mutual Insurance Company," of Savannah; to enable said company to carry on the business of insurance, and for such other purposes as are usual and customary for the transaction of said business.

Corpora-
tors.

Corporate
name.
General
powers.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted,* That J. K. Clarke, E. A. Weil, J. H. M. Clinch, John Flannery, Lee Roy Meyers, H. M. Comer, C. A. Reitze, G. Eckstein, Wm. Duncan, Henry Blun, J. F. Minis, R. G. Erwin, J. R. Young, L. Lippman, F. S. Lathrop and S. S. Guckenheimer, of the county of Chatham, and E. P. Howell, of the county of Fulton, all of the State of Georgia, their associates, successors and assigns, shall hereafter be a body corporate and politic, with continuous succession, under the name of "The Georgia Mutual Insurance Company," and by that name shall be competent to sue and be sued; to purchase, receive, hold, own and use property of all descriptions; to alien, convey, lease, mortgage or otherwise dispose of the same in any manner

Incorporating the Georgia Mutual Insurance Company

that a natural person might be lawfully empowered to dispose of property of a like kind; to make, use and have a common seal; to make by-laws, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and Constitution of this State, or of the United States, and to exercise all powers incidental to corporations, and necessary and right for the transaction of their business.

SEC II. *Be it further enacted*, That the capital stock of this corporation shall be two hundred thousand dollars (\$200,000), to be divided into four thousand (4,000) shares of fifty dollars (\$50) each, to be paid in by the subscribers thereto, as hereinafter provided; but said corporation is permitted to increase its said capital stock, from time to time, to any sum not exceeding one million dollars (\$1,000,000), whenever it may be deemed expedient by a majority of the board of directors of said corporation then serving. The incorporators hereinbefore named are hereby constituted and appointed commissioners to open books of subscription to the capital stock of this corporation. Said commissioners, or any three or more of them, shall have power to open books, and keep open said books for such time as they may deem proper, in the city of Savannah. When stock to the amount of two hundred thousand dollars (\$200,000) shall have been subscribed, it shall be the duty of said commissioners to call in fifty (50) per centum, and to collect the same. All funds collected by said commissioners shall be deposited in the name of the corporation in such banking institutions in the city of Savannah as they may select; and when the sum of one hundred thousand dollars (\$100,000) shall have been paid in, said commissioners shall call a meeting of the subscribers to such stock, by giving notice to them in a newspaper of the city of Savannah seven (7) days prior to the time appointed for the meeting of the subscribers, requiring said subscribers to convene for the purpose of organization. At this meeting they shall elect not less than nine (9) nor more than fifteen (15) directors, a majority of whom shall be residents of Chatham county, Georgia. All votes shall be by ballot, and at all elections a plurality of the votes cast shall elect. The said directors shall thereupon elect from their own number a president and such other officers as they may deem desirable; and they shall also elect a secretary; they shall further appoint all other officers and agents deemed necessary by them for the successful conducting of the business of the company. They shall, at any time, have power to remove any officers or agents of the company; to prescribe their compensation and duties and provide for the taking of bonds for the protection of the corporation.

Capital stock.

Books of subscription.

Collection of subscriptions.

First meeting of stockholders.

Election of directors.

Officers, etc.

Powers of directors.

Incorporating the Georgia Mutual Insurance Company.

They shall also have power to fill any vacancies which may occur in their own body; and if the president, secretary or any director (excepting those who are non-residents of Chatham county, Georgia) shall be absent without leave for six successive regular meetings of the board, a majority may declare his place vacant and proceed to fill it without notice. The directors shall further have power to fix the form of the certificates of stock and the mode of transfer. They shall also have authority to pass such by-laws as may be necessary to carry this Act into effect, and may amend and repeal the same, and may exercise all the powers granted by this Act to the corporation, and to direct the execution of such contracts as may seem to them best for the interest of the corporation; *Provided, nevertheless*, that the stockholders in convention shall have power to regulate and limit the discretionary powers conferred on the board of directors, and to repeal, alter or amend any by-laws or regulations which may be enacted or established by the board of directors.

Limitations on their discretion.

A majority of the directors known to be in Savannah at the time of meeting, including the president or president *pro tempore*, shall constitute a board for all purposes, and shall be a quorum for the transaction of business.

Quorum.

No person shall be eligible for the office of director unless he owns not less than twenty (20) shares of the capital stock of said company.

Qualification for director.

SEC. III. *Be it further enacted*, That the directors first elected shall hold office for one year, or for such time as may be prescribed by the subscribers to the capital stock so convened as aforesaid, and until their successors are elected. At all elections after the first the directors shall hold office for the term of one year, and until their successors are elected. The date of the annual meetings of the stockholders of the company, election of directors and such other business as may be brought before it, shall be fixed by the board of directors first elected as hereinbefore provided, but said date may be changed by any board of directors if, for any reason, they shall deem it judicious to do so. Special meetings of the stockholders may be called at any time by the directors. Such notice of these meetings shall be given as the directors may prescribe, but any number of the stockholders of said company who own and represent at the time one-third of the capital stock paid in, may, by giving twenty (20) days' notice in the newspaper having the largest circulation in the city of Savannah, call a meeting or convention of all the stockholders of the company at such time and place, in the city of Savannah, as may be in such call mentioned.

Term of office.

Time for annual meetings, etc.

Special meetings.

SEC. IV. *Be it further enacted*, That at all meetings of the

Incorporating the Georgia Mutual Insurance Company.

stockholders, those holding a majority of the stock upon which there is nothing due to the company, under any call which may have been made by the directors, shall constitute a quorum, and each stockholder shall be allowed one vote for each share of stock held by him or her. Such stock may be represented by proxy, in writing or print. Executors and administrators shall be entitled to control the votes to which the testator or intestate would be entitled if living, and the stock of minors shall be represented by their guardians. Stock or trust estates shall be voted by the trustees thereof.

SEC. V. *Be it further enacted*, That the principal office of the company shall be in the city of Savannah, but it may do business and establish branch offices and agencies at any place or places in this State or the United States.

SEC. VI. *Be it further enacted*, That the directors shall, from time to time, call in such proportion of the unpaid stock subscriptions as they may deem necessary, and fix the manner, times and places of payment thereof to the company.

SEC. VII. *Be it further enacted*, That the said corporation, under the name of "The Georgia Mutual Insurance Company," shall have authority to insure against losses by fire on all kinds of property, either real, personal or mixed, also against all the hazards of ocean or inland navigation and transportation of every kind for such rates of premium as it may determine, whenever the said one hundred thousand dollars of paid-up capital is invested in bonds or stocks, or in mortgage on real estate worth double the amount for which the same is mortgaged. The contracts of insurance to be entered into by the said company shall not be binding unless evidenced by a policy or certificate of insurance, in writing or print, or both, and the liabilities of said company in case of loss sustained by any policy or certificate-holder shall be governed by the terms, stipulations and conditions appearing upon the face thereof. No policy or other contract of said corporation shall be binding except it be signed by the president, or president *pro tempore* and secretary.

SEC. VIII. *Be it further enacted*, That if any stockholder shall fail or make default for ten (10) days to pay any call regularly made on his or her subscription to stock, the directors may direct suit to be brought against him or her forthwith for the amount of such call, or may, in their discretion, after ten (10) days' notice to such stockholder, cause his or her said stock, after such advertisement as may seem to them proper, to be put up at auction and sold to the highest bidder, and any deficiency in this sum thus received necessary to make the amount of the call shall be made good by the delinquent; any surplus over the amount of the

Quorum
and vote of
stockhold-
ers.Principal
office.Agencies,
etc.Stock as-
sessments.Insurance
power.

Policies.

Failure to
pay for
stock.

Incorporating the Guaranty Mutual Fire Insurance Company.

call and the expenses of the sale shall be paid to him or her. A new certificate of stock shall be issued to the purchaser and he or she shall stand in the same relation to the company as the delinquent would have done had default not been made. The sale shall be in the city of Savannah, at such time and place as the directors may prescribe.

SEC. IX. *Be it further enacted,* That the stockholders of this company shall be individually liable to its creditors for no amount in excess of their unpaid subscriptions.

SEC. X. *Be it further enacted,* That the increase and accumulation of said company, after paying current expenses and liabilities, and after setting apart the necessary reserve, contingent and reinsurance fund, shall be applied to the balance due on stock subscriptions or distributed as a dividend among the stockholders, as the directors may order. They shall also have the power to give the holders of policies or certificates of said company the right to participate in the net profits of the company to such an extent, in such manner, and upon such terms as they may deem proper.

SEC. XI. *Be it further enacted,* That this Act shall take effect from and after its passage, and all conflicting laws are hereby repealed.

Approved September 30th, 1887.

INCORPORATING THE GUARANTY MUTUAL FIRE INSURANCE COMPANY.

No. 257.

An Act to incorporate the Guaranty Mutual Fire Insurance Company.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same,* That Joseph D. Weed, John L. Hardee, William E. Guerard, John Lyons, Thomas P. Bond, John C. Rowland, D. Y. Daney, Tiny B. Thompson, Charles N. West and others, their associates (successors) and assigns, shall be, and are hereby constituted a body corporate and politic, in fact and in name, by the name of the Guaranty Mutual Fire Insurance Company, and by that corporate name they and their successors shall and may have succession, and shall be capable of suing and being sued, in all courts whatsoever, in all man-

Incorporating the Guaranty Mutual Fire Insurance Company.

ner of action and remedies whatever, at law or in equity, and may have a common seal, with power to alter the same at will, and shall have power to purchase, receive by gift or otherwise, any and all property of any character whatsoever, real or personal, for the use of said corporation, with power to convey and transfer the same at will, and the power to contract and be contracted with, and shall have and enjoy all the rights, powers and privileges needful to carry on a fire insurance business.

SEC. II. *Be it further enacted*, That all persons who shall at any time hereafter insure in or with the said company, or be allowed so to do, shall be deemed and taken for members of the said corporation; *Provided*, that such membership shall cease with the expiration of policy, and expiration of policy voluntarily incurred by the holder of policy shall be held to be a waiver by such member of all right of any further benefit whatever, whether of their earned but undistributed profits, or other benefits whatever. And this section applies as well to artificial as well as natural persons who may become members by insuring with said company.

SEC. III. *Be it further enacted*, That there shall be a guaranteed capital stock of one hundred thousand dollars, divided into two thousand shares of fifty dollars each, with the privilege of increasing the said capital stock to two hundred and fifty thousand dollars by the issuance of new shares of the like value at any time that a majority of the stockholders of said company shall vote so to do. When the whole of said guaranteed capital shall have been paid in and invested in stocks and bonds estimated at their actual market value, or in mortgages on real estate worth double the amount for which the same is mortgaged, the said company shall be entitled to issue policies. The said guaranteed capital may be called for by the directors, by public advertisement from time to time, as they may deem necessary, and in case of failure of any stockholder to pay the assessment so made within thirty days after it has been called for, the directors may proceed at once to sell at auction the stock of such delinquent without further notice, and any loss that may occur by reason of said sale may be recovered by the said company from the delinquent stockholder the same as any other debt due the company.

SEC. IV. *Be it further enacted*, That the aforesaid guaranteed capital stock of one hundred thousand dollars shall be liable for all losses sustained by the company, and shall also participate in the profits, if any, of the company as hereinafter provided. Each policy-holder of the company shall be liable for the losses of said company to the amount of unpaid premiums due by him upon policies in force, and no more; and each stockholder shall

Policy-holders as members.

Waiver of benefits.

Guaranteed capital stock.

Beginning business.

Stock assessments.

Failure to pay.

Liability for losses. Participation in profits by stockholders.

Liability of policy-holders. Of stockholders.

Incorporating the Guaranty Mutual Fire Insurance Company.

be liable for said losses in the amount of his unpaid subscription, and no more.

Directors. SEC. V. *Be it further enacted,* That the property and business of said corporation shall be managed, controlled and conducted by nine (9) directors, a majority of whom shall form a quorum, and who shall be resident citizens of the State of Georgia, to be chosen by ballot from the stockholders, to hold their offices for one year, and until others are chosen to fill their places.

Quorum. The first election shall take place when the incorporators shall accept this charter, and the company shall be thereunder organized.

Term. The second election shall take place on the first Monday in December thereafter, the officers first elected to hold until that time, and after the said second election, in said December, there shall be an annual election on the first Monday in December of each succeeding year ; *Provided,* that elections for directors, etc., after the first election shall be held at the public place of business of said company in the city of Savannah, Chatham county, Georgia, of which annual election the directors shall give at least ten (10) days' prior public notice by advertisement in one or more public gazettes or newspapers published in said city of Savannah ; *Provided further,* should there from any cause fail to be any annual election, the old officers shall hold over ; *Provided, further,* that no director or other officer of any other fire insurance company shall be qualified to be a director or other officer of this company ; *Provided, further,* the directors shall have power to fill all vacancies in the directory occasioned by death, resignation or otherwise.

First election.

Succeeding elections.

Place and notice of election.

Failure to elect.

Qualifications for director.

Vacancies.

Quorum of stockholders. SEC. VI. *Be it further enacted,* That at all meetings of the members of said corporation there must be represented a majority of the stock to constitute a quorum to transact business ; *Provided,* that all stockholders not present in person shall have the right to be represented and vote on all matters by proxy, such proxy to be in writing under their own hand and seal.

Proxies.

Powers of directors. SEC. VII. *Be it enacted,* That the directors, or a majority of them, shall have power to make or prescribe, amend or alter, by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and control of the business of said corporation, and management or disposition of all property, real or personal, or rights of property of said corporation, and touching all such other matters as appertain to the business ends and purposes of said corporation, and shall have power to appoint so many officers, clerks and servants for carrying on the business of said corporation, and with such salaries, commissions or other compensation as the directors deem meet and proper, and shall also have power to remove any of such officers,

clerks and servants at will; *Provided*, no such by-laws, rules and regulations so adopted shall conflict with or be repugnant to the Constitution and laws of the United States, or the State of Georgia.

SEC. VIII. *Be it enacted*, That there shall be a president of ^{President.} said company, who shall be chosen by the directory annually, at the time of the annual election of the directors, from their own body; *Provided*, the first president so chosen shall be one of the directors elected at the time of organization, who shall serve to the second election in December, thereafter, and for the term of one year thereafter; *Provided, further*, that if there shall be a failure to elect a president at any time, the "incumbent" at the time of such failure to elect from any cause, shall hold over until his successor shall be elected and qualified.

SEC. IX. *Be it further enacted*, That it shall be the duty of ^{Duties and salary of President.} president to preside at all meetings of the directors, and to discharge all other duties required of him by the by-laws, for which services he shall receive such salary, or other compensation as the directory shall consider to be proper or adequate.

SEC. X. *Be it further enacted*, That there shall be a vice-^{Vice-President.} president of said company, who shall be chosen in like manner as the the president, and having like qualifications, and subject to the like provision as to holding over; the duty of which officer ^{Duties of.} shall be to act as president in the absence, disability of the president, or in case of a vacancy in the office of president, until said office of president shall be legally filled, and who shall perform such other duties as may be required of him by the by-laws of said company.

SEC. XI. *Be it further enacted*, That all policies of insurance ^{Policies.} in the said corporation, to be "binding" upon said corporation, shall be signed by the president or vice-president and countersigned by the secretary, and sealed with the seal of said corporation, and the said corporation shall have full power to insure against losses by fire or water, and all other accidents, dangers and casualties for which fire insurance companies are usually created.

SEC. XII. *Be it further enacted*, That the said corporation ^{Insurance powers.} may insure from loss, as stipulated in section IV., houses, stores and other buildings; household furniture, goods, wares and merchandise, and every and all other property liable to be destroyed, or injured, or damaged by fire, etc., except cotton and naval stores. And all policies of insurance which shall be made by the said corporation in "pursuance" of this Act shall be made upon such terms and conditions as shall be from time to time

Incorporating the Guaranty Mutual Fire Insurance Company.

prescribed by the by-laws, rules and regulations of said corporation.

Transfers of policies. SEC. XIII. *Be it further enacted*, That no transfer of any policy of insurance of the said corporation shall be binding upon the same until consented to by said corporation through its proper servants, as shall be prescribed in the by-laws, etc., and until entered upon the books of the company and rectified thereon by the secretary, and any transfer, or conveyance of any property **Of property insured.** insured without such consent, entry and certificate, shall cause such policy to become null and void; but this condition of forfeiture, in order to be valid, shall be printed or written in the face of the policy.

Vote of stockholders. SEC. XIV. *Be it further enacted*, That at all meetings of said corporation, each stockholder shall be entitled, on all matters and questions, to cast one vote for every share of stock, the legal title to which may be vested in him, as evidenced by the stock-book of said company; and each policy-holder shall be entitled to cast one vote for every one thousand dollars, or fractional part thereof, held by him and open for one year or more; *Provided*, no policy-holder shall be entitled to more than ten (10) votes.

Organisation. SEC. XV. *Be it further enacted*, That a majority of the incorporators herein named may convene at any time, by agreement as to time and place, in Savannah, Georgia, and accept this charter, and solicit business, and organize, and issue policies of insurance, as hereinbefore provided; and the right of succession, and all other rights and privileges herein given, shall accrue and continue for the period of fifty years, with privilege of renewal and **Term of charter.** subject to forfeiture at any time for a violation of the terms of this charter, or of any amendment thereto, to the insurer and the successors under the corporate name hereinbefore stated.

Dividends. SEC. XVI. *Be it further enacted*, That whenever the accumulated profits of the company, exclusive of the guaranteed capital and such surplus as the said directors shall consider prudent, shall be more than sufficient, in the judgment of the directors, to secure the said company against all of its outstanding liabilities, including the cost of re-insurance of all outstanding risks, the said board shall have power to declare a dividend of so much as seven dollars per share to the stockholders upon the guaranteed capital; and then to declare a dividend of so much as twenty-five per centum upon premiums to holders of policies in force at that time; and with further power, after the declaration of such dividends, to declare such other dividends to the stockholders and policyholders as the said profits may authorize, in the discretion of said board, in the proportion of one dollar upon the guaranteed capital for each five dollars declarable upon the premiums.

Incorporating the Georgia Fire Insurance Company of LaGrange.

SEC. XVII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 1st, 1887.

INCORPORATING THE GEORGIA FIRE INSURANCE COMPANY OF
LAGRANGE.

No. 290.

An Act to incorporate the Georgia Fire Insurance Company of LaGrange.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted*, That Wm. C. Yancey, B. H. Bigham, A. D. Abraham, L. J. Render, and their associates and successors, are hereby created a body politic and corporate by the name of "The Georgia Fire Insurance Company of LaGrange," and by that name shall be competent to sue and be sued, to purchase, hold and convey property of all descriptions; to make, have and use a common seal, and generally to do any act necessary to carry into effect the objects of the corporation not inconsistent with the laws and Constitution of this State or of the United States.

SEC. II. *Be it further enacted*, That the capital stock of this corporation shall be one hundred thousand dollars (with the privilege to increase to two hundred thousand dollars), to be divided into one thousand shares of one hundred dollars each to be paid in by the subscribers thereto in such manner and at such times and place as the directors of said corporation, to be elected as hereinafter provided, may direct, so soon as subscriptions may have been received to said capital stock to the amount of fifty thousand dollars; a majority of the persons named in the first section of this Act, or any two of that number, shall call a meeting of the subscribers to such stock for the purpose of organization. At this meeting they shall elect not less than five nor more than nine directors, as may be determined by them; the said directors shall thereupon elect from their own number a president, vice-president and a secretary; they shall further appoint all other officers and agents deemed necessary by them for the successful conducting of the business of the company, they shall at any time have power to remove any officers or agents of the company, to prescribe their compensation and duties, and provide for the taking

Corporators.

Corporate name.
General powers.

Capital stock.

First meeting of stockholders.

Election of directors.

President.
Vice-President and Secretary.
Other officers.

Powers of directors.

Incorporating the Georgia Fire Insurance Company of LaGrange.

of bonds for the protection of the corporation; they shall also have power to fill any vacancy which may occur in their own body, and if the president, vice-president, secretary or any directors shall be absent without leave for five successive regular meetings of the board, a majority may declare his place vacant and proceed to fill it without notice. No person shall be eligible to the office of director unless he owns not less than ten shares of the stock of said company, and no director shall be eligible to the office of president, vice-president or secretary unless he owns not less than twenty shares of said stock.

Qualifications for directors, etc.

Term of directors.

Time of annual meetings.

Special meetings.

SEC. III. *Be it further enacted*, That the directors thus first elected shall hold office for such time as may be prescribed by the subscribers of the capital stock so convened as aforesaid, and until their successors are elected. At all elections after the first, the directors shall hold office for the term of one year and until their successors are elected. The date of the annual meeting of the stockholders of the company for the election of directors, and such other business as may be brought before it, shall be fixed by the subscribers to the stock at the time of the organization, but may be changed at any stockholders' meeting. Special meetings of the stockholders may be called at any time by the directors; such notice of these meetings shall be given as the directors may prescribe.

Quorum of stockholders.

Vote of stockholders.

SEC. IV. *Be it further enacted*, That at all meetings of the stockholders, those holding a majority of the stock upon which there is nothing due to the company under any call which may have been made by the directors, shall constitute a quorum, and each stockholder shall be allowed one vote for each share of stock held by him, such stock may be represented by proxy, but no one not a stockholder shall be capable of holding such proxy.

Offices and agencies.

SEC. V. *Be it further enacted*, That the principal office of the company shall be in the city of LaGrange, but it may do business and establish branch offices and agencies at any place or places in this State or the United States.

Stock assessments.

Beginning business. Insurance powers.

SEC. VI. *Be it further enacted*, That at the first meeting of the directors after their election, they shall determine what proportion of the stock subscriptions shall be called in, and shall fix the manner, times and place of payment thereof to the company, and, when fifty thousand dollars in money shall be paid to said company on account of subscriptions to stock, then, and not before, the said corporation, under the name of the Georgia Fire Insurance Company of LaGrange, shall have authority to insure against losses by fire on all kinds of property, either real or personal, or mixed, for such rates of premiums as it may determine; *Provided*, that before the company shall do any business, the re-

Incorporating the Georgia Fire Insurance Company of LaGrange.

maining part of the capital stock shall be secured on the part of subscribers, by a deposit with said company of solvent stocks, bonds or personal obligations to pay, covering fully the amount subscribed. The Comptroller-General shall be the judge of the solvency of the security deposited, and when satisfied of such solvency, he shall issue a license to said company to do business, License. and may revoke the same whenever such securities or personal obligations are not, in his judgment, solvent.

The contracts of insurance to be entered into by the said company Policies. shall not be binding unless evidenced by a policy of insurance, in writing or print, or both, and the liability of said company, in case of loss sustained by any policy-holder, shall be governed by the terms, stipulations and conditions appearing upon the face thereof. No policy, or other contract of said corporation, shall be binding except it be signed by the president and secretary.

SEC. VII. *Be it further enacted*, That the directors shall have power to fix the form of the certificates of stock and the mode of transfer; *Provided*, that no transfer of stock shall be made without the consent of a majority of the directory. Certificates and transfers of stock.

SEC. VIII. *Be it further enacted*, That if any stockholder shall fail or make default for ten days to pay any call regularly made on his subscription to stock, the directors may direct suit to be brought against him forthwith for the amount of such call, or may, in their discretion, after ten days' notice to such stockholder, cause his said stock, after such advertisement as may seem to them proper, to be put up at auction and sold to the highest bidder, and any deficiency in the sum thus received necessary to make the amount of the call, shall be made good by the delinquent. Any surplus over the amount of the call and the expenses of the sale shall be paid to him. A new certificate of stock shall be issued to the purchaser, and he shall stand in the same relation to the company as the delinquent would have done had he not so made default. The sale shall be in the city of LaGrange, at such time and place as the directors may prescribe. Failure to pay for stock.

SEC. IX. *Be it further enacted*, That the individual property of each stockholder shall not be liable for the debts, liabilities, obligations or default of said corporation, except to the amount of unpaid stock subscribed by such stockholder. Whenever any judgment shall be recovered in any of the courts of this State against the said corporation, and there shall be a return of "*nulla bona*" as to the said corporation made by any proper officer of this State on the execution issued to enforce said payment, the said execution may be levied upon the individual property of any stockholders of said corporation who may be in arrears for unpaid stock, and such amount collected out of said stockholder as Liability of stockholders. Enforcement of.

Incorporating the Marietta Insurance Company.

he may owe to said corporation for stock; *Provided*, that such amount does not exceed the amount of said execution.

Dividends, etc. SEC. X. *Be it further enacted*, That all the increase and accumulations of said company, after paying current expenses and liabilities, and after setting apart the necessary reserve, contingent and re-insurance fund, shall be applied to the balance due on stock subscriptions, or distributed as a dividend among the stockholders, as the directors may order. After the subscriptions to stock have been paid up in full, all such increase shall be distributed among the stockholders as a dividend. The manner of declaring such dividend, and the time and place of payment, shall be entirely within the control of the directors. They shall also have the power to give the holders of policies of said company the right to participate in the net profits of the company to such an extent, in such manner and upon such terms as they may deem proper.

Participating policies.

SEC. XI. *Be it further enacted*, That this Act shall take effect from and after its passage, and that all conflicting laws are hereby repealed.

Approved October 8, 1887.

INCORPORATING THE MARIETTA INSURANCE COMPANY.

No. 315.

An Act to incorporate the Marietta Insurance Company, and for other purposes connected therewith.

Corporators. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted*, That W. S. N. Neal, Geo. F. Gober, Joe B. Alexander, W. E. Gilbert, P. T. Hamly, H. M. Hammett and W. R. Montgomery, and their associates and successors, are hereby created a body corporate and politic by the name of the Marietta Insurance Company, and by that name shall be competent to sue and be sued, to purchase, hold and convey property of all descriptions, to make, have and use a common seal, and generally to do any act necessary to carry into effect the objects of the incorporation, not inconsistent with the laws and Constitution of the State or of the United States.

Corporate name. General powers.

Capital stock. SEC. II. *Be it further enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, to be paid in by subscribing thereto in such manner and at such times and

Incorporating the Marietta Insurance Company.

place as the directors of said corporation, to be elected as hereinafter provided, may direct; so soon as subscription may have been received to said capital stock to the amount of one hundred thousand dollars, the persons named in the first section of this Act shall call a meeting of the subscribers to such stock for the purpose of organization. At this meeting they shall elect not less than five nor more than nine directors, as may be determined by them; the said directors shall thereupon elect from their own number a president and secretary; they shall further appoint all other officers and agents deemed necessary by them for the successful conducting of the business of the company. They shall at any time have power to remove any officers or agents of the company, to prescribe their compensation and provide for the taking of bonds for the protection of the corporation; they shall also have power to fill any vacancy which may occur in their own body, and if the president, secretary or any director shall be absent without leave for five successive regular meetings of the board, a majority may declare his place vacant and proceed to fill it without notice. No person shall be eligible to the office of director unless he owns not less than ten shares of the stock of the said company, and no director shall be eligible to the office of president or secretary of the company unless he owns not less than twenty-five shares of said stock.

Organization.

Election of directors.

Officers.

Powers of directors.

Qualifications for office.

SEC. III. *Be it further enacted*, That the directors thus first elected shall hold office for such time as may be prescribed by the subscribers to the capital stock, so convened as aforesaid, and until their successors are elected. At all elections after the first the directors shall hold office for the term of one year and until their successors are elected. The date of the annual meeting of the stockholders of the company for the election of directors and such other business as may be brought before it, shall be fixed by the subscribers to the stock at the time of the organization, but may be changed at any stockholders' meeting. Special meetings of the stockholders may be called at any time by the directors; such notice of these meetings shall be given as the directors may prescribe.

Terms of office.

Annual meetings of stockholders.

Special meetings.

SEC. IV. *Be it further enacted*, That all meetings of stockholders, those holding a majority of stock upon which there is nothing due to the company under any call which may have been made by the directors, shall constitute a quorum, and each stockholder shall be allowed one vote for each share held and owned by him. Such stock may be represented by proxy; but no one not a stockholder shall be capable of holding such proxy.

Quorum.

Vote of stockholders.

SEC. V. *Be it further enacted*, That the principal office of the

Incorporating the Marietta Insurance Company.

Offices and agencies. company shall be in the city of Marietta, but it may do business and establish agencies and branch offices at any place or places in this State or the United States.

Stock assessments. SEC. VI. *Be it further enacted,* That at the first meeting of the directors after their election, they shall determine what proportion of the stock subscription shall be called in, and fix the manner, time and place of payment thereof to the company, and when twenty-five thousand dollars in money shall be paid to said company on account of subscriptions to stock, and seventy-five thousand dollars of the capital stock subscribed is secured by mortgage on real estate worth double that amount, or by bonds or stocks deposited as collaterals for the payment of unpaid subscriptions, then, and not before, the said corporation, under the name of the Marietta Insurance Company, shall have authority to insure against losses by fire on all kinds of property, either real or personal, or mixed; also against all the hazards of ocean or inland navigation, and transportation of every kind, for such rates of premium as it may determine. The contracts of insurance to be entered into by the said company shall not be binding unless evidenced by a policy of insurance in writing or print, or both, and the liability of said company, in case of loss sustained by any policy-holder, shall be governed by the terms, stipulations and conditions appearing upon the face of said policy. No contract or policy of said corporation shall be binding on said corporation except it be signed by the president and secretary thereof.

Beginning business.

Insurance powers.

Policies.

Certificates and transfers of stock. SEC. VII. *Be it further enacted,* That the directors shall have the power to fix the form of certificate of stock and the mode of transfer. They shall have authority to pass such by-laws as may be necessary to carry this Act into effect, and to direct the execution of such contracts as may seem to them best for the interest of the corporation.

By-laws, etc.

Failure to pay for stock. SEC. VIII. *Be it further enacted,* That if any stockholder shall fail or make default for ten days to pay any call regularly made on his subscription to stock, the directors may direct suit to be brought against him forthwith for the amount of such call, or may, in their discretion, after ten days' notice to such stockholder, cause his said stock, after such advertisement as may seem to them proper, to be put up at auction and sold to the highest bidder, and any deficiency in this sum thus received, necessary to make the amount of the call, shall be made good by the delinquent. Any surplus over the amount of the call and the expenses of the sale shall be paid to him. A new certificate of stock shall be issued to the purchaser, and he shall stand in the same relation to the company as the delinquent would have done had he not so made default. The sale shall be in the city of Marietta, at such time and place as the directors may prescribe.

Incorporating the Southern Phoenix Insurance Company.

SEC. IX. *Be it further enacted*, That the corporation shall be responsible to its creditors to the extent of its property, and the stockholders shall be liable to such creditors to the amount of their unpaid subscription to the capital stock of the corporation only after the assets of the corporation have been exhausted. Liability for debts.
Liability of stockholders.

SEC. X. *Be it further enacted*, That all the increase and accumulation of said company, after paying current expenses and liabilities, and after setting apart the necessary reserve, contingent and re-insurance fund, shall be applied to the balance due on stock subscriptions, or distributed as a dividend among the stockholders, as the directors may order. After the stock subscriptions have been paid up in full, all such increase shall be distributed among the stockholders as a dividend. The manner of declaring such dividend and the time and place of payment shall be entirely within the control of the directors. They shall have the power, also, to give the holder of policy of said company the right to participate in the net profits of the company to such an extent, in such manner and upon such terms as they may deem proper. Dividends, etc.
Participating policies.

SEC. XI. *Be it further enacted*, That this Act shall take effect from and after its passage. When this Act to take effect.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 13, 1887.

INCORPORATING THE SOUTHERN PHOENIX INSURANCE COMPANY.

No. 395.

An Act to incorporate the Southern Phoenix Insurance Company.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That Jno. C. Kirkpatrick, Jno. R. Gramling, Jacob Haas, Milton A. Candler, H. R. S. Duck, R. L. Emery, C. C. Emery and such other persons as may hereafter become associated with them, and their successors, are hereby constituted a body corporate and politic, with continuous succession, under the name and style of "The Southern Phoenix Insurance Company," and by such corporate name shall be competent to sue and be sued, to purchase, hold and convey property of all description; hold on deposit and borrow money, and to loan the same, and take and give such securities therefor as it may be deemed best; to make, have and use a common seal, and to break and alter the same at pleasure, and to make Corporators.
Corporate name.
General powers.

Incorporating the Southern Phoenix Insurance Company.

such by-laws, rules and regulations, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and Constitution of this State or of the United States.

Capital stock. SEC. II. *Be it further enacted,* That the capital stock of this corporation shall be one million dollars, to be divided into one hundred thousand shares of ten dollars each, to be paid in by the subscribers thereto in such manner and at such times and place as the directors of said corporation, to be elected as hereinafter provided, may direct. So soon as subscriptions may have been received to said capital stock to the amount of fifty thousand dollars, a majority of the persons named in the first section of this Act shall call a meeting of the subscribers to such stock for the purpose of organization. At this meeting they shall elect not less than five nor more than fifteen directors, as may be determined by them; the said directors shall thereupon elect from their own number a president and a secretary; it shall not, however, be necessary for the secretary to be a director to be qualified for office; they shall further appoint all other officers and agents deemed necessary by them for the successful conducting of the business of the company. They shall at any time have power to remove any officers or agents of the company, to prescribe their compensation and duties, and provide for the taking of bonds for the protection of the corporation. They shall also have power to fill any vacancy which may occur in their own body; and if the president, secretary or any director shall be absent without cause for five successive regular meetings of the board, a majority may declare his place vacant and proceed to fill it without notice. No person shall be eligible to the office of director unless he owns not less than one hundred shares of the stock of said company, and no person shall be eligible to the office of president or secretary, unless he owns not less than two hundred shares of said stock.

Organization.

Election of directors.

Officers, etc.

Powers of directors.

Qualifications for office.

Increase of capital stock.

It is permitted to increase the capital stock from time to time, to any sum not exceeding two million dollars, whenever it may be deemed expedient by a majority of the directors.

Terms of office. SEC. III. *Be it further enacted,* That the directors thus first elected shall hold office for such time as may be prescribed by the subscribers to the capital stock so convened as aforesaid, and until their successors are elected. At all elections after the first, the directors shall hold office for the term of one year, and until their successors are elected. The date of the annual meeting of the stockholders of the company, for the election of directors and such other business as may be brought before it, shall be fixed by the subscribers to the stock at the time of the organization, but may be changed at any stockholders' meeting. Special meet-

Annual meetings of stockholders.

ings of the stockholders may be called at any time by the directors; such notice of these meetings shall be given as the directors may prescribe. Special meetings.

SEC. IV. *Be it further enacted*, That at all meetings of the stockholders those holding a majority of the stock upon which there is nothing due to the company under any call which may have been made by the directors shall constitute a quorum, and such stockholders shall be allowed a vote for each share of stock held by him; such stock may be represented by proxy, but no one not a stockholder shall be capable of holding such proxy. Quorum.
Vote of stockholders.

SEC. V. *Be it further enacted*, That the principal office of the company shall be in the city of Atlanta, but it may do business and establish branch offices and agencies wheresoever it should desire and can do so. Office and agencies.

SEC. VI. *Be it further enacted*, That at the first meeting of the directors, after their election, they shall determine what proportion of the stock subscriptions shall be called in, and shall fix the manner, times and places of payments thereof to the company, and when one hundred thousand dollars shall be subscribed and paid in money to said company on account of subscriptions to stock, and invested in bonds and stocks, estimated at their actual market value, or in mortgages on real estate worth double the amount for which the same is mortgaged, then and not before, the said corporation, under the name of The Southern Phoenix Insurance Company, shall have authority to insure against losses by fire on all kind of property, either real or personal, or mixed; also against all the hazards of ocean or inland navigation and transportation of every kind; also against cyclones, tornadoes and lightning; any one or all of which said company can insure against for such rates of premium as it may determine. The contracts of insurance to be entered into by said company shall not be binding unless evidenced by a policy of insurance in writing or print or both, and the liability of said company in case of loss sustained by any policy-holders shall be governed by the terms, stipulations and conditions appearing upon the face thereof. No policy or other contract of said corporation shall be binding except it be signed by the president and secretary. Stock assessments
Beginning business.
Insurance powers.
Policies.

SEC. VII. *Be it further enacted*, That the directors shall have power to fix the form of the certificate of stock and the mode of transfer. They shall also have authority to pass such by-laws as may be necessary to carry this Act into effect, and to direct the execution of such contracts as may seem to them best for the Certificates and transfers of stock.
By-laws, etc.

 Amending Charter of the Atlanta Home Insurance Company.

interest of the corporation. A majority of the board of directors shall constitute a quorum.

Liability for debts. SEC. VIII. *Be it further enacted*, That the corporation shall be responsible to its creditors to the extent of its property and the amount of the unpaid subscription of its stockholders.

Dividends. SEC. IX. *Be it further enacted*, That all the increase and accumulation of said company, after paying current expenses and liabilities, and after setting apart the necessary reserve, contingent and re-insurance fund, shall be distributed as a dividend among the stockholders as the directors may order. The manner of declaring such dividend, and the time and place of payment shall be entirely within the control of the directors.

Participating policies. They shall also have the power to give the holders of policies of said company the right to participate in the net profits of the company to such extent, in such manner and upon such terms as they may deem proper.

SEC. X. *Be it further enacted*, That this Act shall take effect from and after its passage, and that all conflicting laws are hereby repealed.

Approved October 22, 1887.

 AMENDING CHARTER OF THE ATLANTA HOME INSURANCE COMPANY.

No. 401.

An Act to amend the charter of the Atlanta Home Insurance Company, incorporated by Act of the Legislature of this State, approved September 30th, 1881, by vesting in said company the power to become a purely mutual insurance company upon certain terms and conditions.

Maybe converted into a purely mutual company. Method of doing this. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the stockholders of the Atlanta Home Insurance Company may convert said company into a purely mutual insurance company in the following manner and upon the following terms and conditions: At a stockholders' meeting, either regular or especially convened for the purpose, the then value of the property, assets and business of the company shall be estimated in such manner as may be determined upon by the convention of stockholders then assembled. Upon the amount thus ascertained to be the value of the property, assets and business of the company, there shall be paid to the stockholders, in proportion to the

stock held by them, interest at the rate of six per centum per annum until the principal sum thus fixed and ascertained shall be paid to said stockholders in the manner hereinafter provided, in full of their interest in the company.

SEC. II. *Be it further enacted*, That all of the property, assets and income of the company shall be held for the payment of losses which may have been incurred under policies insured by it prior to the payment of any interest to the stockholders, and that subject to this first lien of the policy-holders, the entire net income, after deducting losses and expenses, shall be disposed of as follows: Not less than forty (40) per cent. of the gross premiums received each year on policies not yet expired at the date of the annual meeting shall be set apart as a re-insurance reserve fund. Six (6) per cent. on the amount ascertained to be the value of the property, assets and business of the company as hereinbefore provided, shall be paid to the stockholders of the company in the proportion that each holds stock therein. Twenty (20) per cent. of the gross income received shall be set apart as a permanent reserve fund. The balance remaining shall be divided *pro rata*, according to premiums paid, among the policy-holders who have not sustained losses. Holders of policies for a longer period than one year shall be entitled, after their expiration, to a dividend which shall be a fair average of the dividends declared during their continuance. In the event that the entire net income of the company shall prove insufficient to set apart any amount of the permanent reserve fund, compliance with this requirement may be omitted. In the event that such income should prove insufficient to pay the six per cent. upon the value of the property, assets and business as hereinbefore provided to the stockholders, the amount of the deficit shall stand over as a charge upon the net income of the succeeding year, and shall be paid as soon as the net income will suffice after first setting apart the re-insurance reserve.

SEC. III. *Be it further enacted*, That at the first annual meeting of stockholders, after the permanent reserve fund shall have reached the sum of two hundred thousand dollars, the sum of one hundred thousand dollars shall be paid to the stockholders in the proportion that each holds stock, on account of the amount due him for the property, assets and business of the company, the value of which is to be ascertained as provided in the first section of this Act. At the first annual meeting of the stockholders after said permanent reserve fund shall again have reached the sum of two hundred thousand dollars, the sum of one hundred thousand dollars shall again be paid to the stockholders in the proportion that each holds stock therein, on account of the amount due them for the

Assets to be held for losses prior to payment of interest.

Net income to be distributed, how.

Division of part of reserve fund among stockholders.

Amending Charter of the Atlanta Home Insurance Company.

property, assets and business of the company. Similar payments shall be made, under the same conditions, to the stockholders, until the entire amount at which the property, assets and business, as hereinbefore provided, has been valued, shall have been paid to the stockholders.

Limitation
on pay-
ments to
stockhold-
ers.

SEC. IV. *Be it further enacted*, That no payment shall be made to the stockholders, either on account of interest or of principal due them, which shall reduce the property and assets in the possession and control of the company below the amount of its present capital stock, two hundred thousand dollars, and not less than forty (40) per cent. of the gross premiums received on policies then in force.

Conven-
tion of pol-
icy-hold-
ers

Purpose
of.

Vote of
policy-
holders.

SEC. V. *Be it further enacted*, That so soon as the last payment is ordered to be made on the amount at which the property, assets and business of the company has been valued, as hereinbefore provided, a convention of all the policy-holders shall be called by the president of the company, to convene at the office of the company, in the city of Atlanta, sixty days after the date of such notice, for the purpose of electing a board of directors, and attending to such other business as may then be brought before them. In such convention each policy-holder, who holds a policy to the amount of one thousand dollars, or less, and for the term of one year or more, shall be entitled to one vote; each policy-holder holding a policy for a larger amount, and covering a period of one year or more, shall be entitled to one vote for each even thousand dollars covered by his policy. Policy-holders may be represented at such meeting by proxies. Policy-holders and proxies representing policies to the amount of one hundred thousand dollars shall constitute a quorum.

Quorum.

Transfer
to new of-
ficers of
business,
assets, &c

SEC. VI. *Be it further enacted*, That so soon as a board of directors shall be elected by the policy-holders, as provided in the fifth section of this Act, and such board of directors shall have elected a president and secretary, the former board of directors elected by the stockholders shall transfer to such new board, elected by the policy-holders, all the property, assets and business of the company, and the policy-holders therein shall thereafter own, manage and control all the property, assets and business of the company in the same manner, and with all the rights and privileges conferred upon them, as were vested in the stockholders under the Act of the General Assembly, approved September 30th, 1881, except as enlarged or qualified by this amendment.

Distribu-
tion of in-
come to
policy-
holders.

SEC. VII. *Be it further enacted*, That after the control and ownership of the company shall have passed to the policy-holders, as hereinbefore provided, the entire annual net income of the

Renewing Charter of the Georgia Insurance Company.

company shall be distributed among the policy-holders as dividends, with the exception of an amount equal to not less than forty (40) per centum of the gross premiums received on policies still in force, and to be set apart as a reinsurance fund, and ten (10) per cent. of the gross premiums to be set apart as a permanent reserve. So soon as the permanent reserve fund shall have reached one million of dollars no additions shall be made thereto.

SEC. VIII. *Be it further enacted*, That each policy-holder who receives from the company a policy, after the acceptance by the stockholders of this amendment, is bound by all its terms and provisions, and on ceasing to be a policy-holder shall have no further interest in the company other than the right to such dividends as may be regularly declared on the business transacted whilst he was such policy-holder. Rights and liabilities of policy-holders.

SEC. IX. *Be it further enacted*, That all contracts and obligations of the company in force at the time of the acceptance of this amendment shall be carried out as originally made, and shall not be affected in any way by its provisions. Prior contracts, etc., not affected.

SEC. X. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

RENEWING CHARTER OF THE GEORGIA INSURANCE COMPANY.

No. 403.

An Act to continue in force an Act entitled an Act to incorporate the Georgia Insurance Company, approved December 20, 1860, and for other purposes.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same*, That an Act entitled an Act to incorporate the Georgia Insurance Company, approved December 20, 1860, be, and the same is hereby extended and continued in force for thirty (30) years ensuing after the nineteenth day of December, A. D., 1890, and all the rights, powers and privileges, duties, conditions and obligations, as expressed in said Act, are extended and continued in force for the full term of thirty (30) years from and after the 19th day of December, A. D., 1890; *Provided*; that not less than two hundred thousand dollars of the capital stock authorized by section third of said Act of incorporation, approved December 20, 1860, Act of Dec. 20, 1860, continued of force.
Extended for thirty years after Dec. 19, 1890.
Rights, powers, etc., continued.
What capital stock must be paid in.

Incorporating the Manufacturers' Insurance Mutual Aid Society.

Deposit
with,
Comptroller-
General,
etc.

be paid up in cash or assets and invested in bonds and stock estimated at their actual market value, or in mortgages on real estate worth double the amount for which they are mortgaged; *and provided further*, that said company deposits with the Comptroller-General of this State, or with some strong corporation, which may be approved by him, one hundred thousand dollars in such securities as may be deemed by him equivalent to cash, to be subject to his order, as a guaranty fund for the security of the policy-holders in the life insurance branch of said company.

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws in conflict with this Act are hereby repealed.

Approved October 22, 1887.

INCORPORATING THE MANUFACTURERS' INSURANCE MUTUAL AID SOCIETY.

No. 559.

An Act to incorporate the Manufacturers' Insurance Mutual Aid Society.

Corporators.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That Chas. H. Phinizy, Chas. Estes, W. C. Sibley, Wm. E. McCoy, J. P. Verdery, De Forest Allgood, Ellison A. Smyth, Thos. M. Holt, Geo. M. Goodwin, H. P. Hammitt, H. H. Hickman and J. Rhodes Brown, together with associates and successors, shall be a corporation under the name and style of the Manufacturers' Insurance Mutual Aid Society, and shall keep their office in Augusta, Georgia, or in such place as may be agreed on by said corporators or the officers herein provided for, and shall elect their own officers, and enjoy all the powers and privileges incident to such corporation.

Corporate name.
Principal office.

Election of officers,
etc.

Members of corporation and rights to vote, etc.

SEC. II. *Be it further enacted by the authority aforesaid*, That all persons holding unexpired policies for one year or longer shall be members of said corporation and entitled to one vote, and if his policy exceed five thousand dollars, an additional vote for every ten thousand dollars over and above the first five thousand dollars, and at all meetings of said corporators every matter shall be decided by a majority vote, and they shall choose such officers and for such lengths of time as may be deemed necessary.

Insurance powers.

SEC. III. *Be it further enacted by the authority aforesaid*, That said corporation may insure for any term, not exceeding ten years, any houses, machinery, goods or other species of property

Incorporating the Manufacturers' Insurance Mutual Aid Society.

against loss or damage by fire or water, not resulting from the carelessness, negligence or design of the party insured, and to an amount not exceeding the value of the property insured. When the sum subscribed to be insured by the associates shall amount to two hundred thousand dollars, the said corporation may insure against damage by fire on manufacturing and other property; and in case losses shall be sustained for a greater amount than the existing fund of said corporation, the directors may assess the policy-holders for such sums as may be necessary to pay the losses; *Provided*, however, no policy-holder shall be liable for more than five times the amount of premium by him paid. Assessments for losses.

SEC. IV. *Be it further enacted by the authority aforesaid*, That whenever said corporation shall make insurance on any property, the person so insured shall pay the required premiums in cash, and also, if required by the rules of said company, shall give a note payable to the corporation for a sum not exceeding five times the amount of the premium, which note shall not be negotiable or transferable for any purpose whatever, but shall be held as a deposit to be paid at such times and by such installments as the directors may require, and no installment shall be required, except for the payment of the liabilities of the company incurred under policies of insurance issued by them. Payments of premiums.

SEC. V. *Be it further enacted by the authority aforesaid*, That if any member of such corporation, obtaining insurance, or in case of his death his legal representatives, shall neglect or refuse to pay any assessment made upon his deposit note within thirty days after demand for same, he shall be liable for a suit therefor by the corporation in any court having jurisdiction, and also, the liability of the corporation for the policy under which the payment is withheld, shall be suspended until such payment is made, and if such payment is not made within six months, said policy shall be forfeited and void. Failure to pay assessments.

SEC. VI. *Be it further enacted by the authority of the same*, That any person insured shall have the right to return his policy and demand his note at any time before it would expire by its own limitation, upon such terms as may be prescribed by the directors; *Provided*, there is no unpaid assessment upon the note, unpaid premiums on his policy or losses unprovided for. Return of policy, etc.

SEC. VII. *Be it further enacted by the authority aforesaid*, That when any policy shall expire and not be renewed, or shall be forfeited or surrendered to the company, the person insured shall no longer be held or deemed a member of the corporation, and shall not be entitled to any dividends or division of profits thereafter declared or made, nor to any portion or interest in any reserved fund on hand, or any of the property or Expiration, forfeiture or surrender of policy.

Incorporating the Manufacturers' Insurance Mutual Aid Society.

Proviso. assets of the company, and the note so deposited by such person shall be returned to him ; *Provided*, there is no unpaid assessments upon such note; and *provided further*, that nothing contained in this section shall authorize the majority policy-holders to deny or exclude, under any pretense whatsoever, the benefits of insurance contemplated in this Act, to any person or persons insuring therein, who shall promptly renew said policy upon the same expiring.

Reserve fund. SEC. VIII. *Be it further enacted by the authority aforesaid,* That the directors are authorized to reserve from the net profits a sum not less than twenty-five per cent. of the amount of said net profits of each year, which shall constitute a permanent reserve fund for the better protection of the policy-holders, and if possible to prevent assessment upon the deposit notes of members, and to continue said twenty-five per cent. reserve till it shall amount to two hundred thousand dollars, and whenever it shall be reduced below that amount, to continue the said twenty-five per cent. reserve till it is restored to two hundred thousand dollars.

Investment of funds. SEC. IX. *Be it further enacted,* That the board of directors shall, whenever the funds of said Aid Society shall exceed ten thousand dollars, invest said excess in bonds of the United States, bonds of the State of Georgia, or the bonds of any solvent municipality of the State of Georgia, or lend said money on real estate not exceeding one-half of its value, to be determined by the company, and as may be agreed upon by the parties, to be held by said society for the purpose of conversion into cash when necessary to meet losses.

Call for first meeting SEC. X. *Be it further enacted by the authority aforesaid,* That any three of the persons named herein as corporators may call the first meeting by advertising the same for two successive weeks in a public journal, in cities of Atlanta and Augusta, in this State.

By-laws, etc. SEC. XI. *Be it further enacted by the authority aforesaid,* That said corporators may make such rules and by-laws for the government of the company, not in conflict with the laws of the United States or of this State, and when so made shall be binding and of full force.

SEC. XII. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

incorporating the Commercial Express Company.

TITLE IV.

EXPRESS, TELEGRAPH AND MANUFACTURING COMPANIES.

ACTS.

Incorporating the Commercial Express Company.
 Amending the Charter of the Van Wert Quarrying and Mining Company.
 Incorporating the Darien and Doboy Telegraph Company.
 Incorporating the Midland Telegraph Company.

INCORPORATING THE COMMERCIAL EXPRESS COMPANY.

No. 195.

An Act to incorporate the Commercial Express Company.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That J. H. Reynolds, T. F. Howell, J. A. Glover, George M. Battey, C. A. Hight, J. N. McGhee and J. Branham, and their associates, be, and they are hereby created a corporation and body politic for the purpose of establishing and maintaining an express line or lines in the State of Georgia and elsewhere for the purpose of transporting goods, wares and merchandise by means thereof, under the name and style of the Commercial Express Company. Corporators.

SEC. II. *Be it further enacted by the authority aforesaid,* That the capital stock of said company shall be twenty-five thousand dollars, and may be increased to any sum not exceeding three hundred thousand dollars, divided into shares of one hundred dollars each. Capital stock.

SEC. III. *Be it further enacted by the authority aforesaid,* That the affairs of said company shall be under the management of a board of directors, consisting of five members chosen from among the stockholders, who shall hold office for one year and until their Directors.

Term of office.

Incorporating the Commercial Express Company.

successors are elected; that said directors shall elect one of their body president whose official acts shall be binding upon the company. Said board of directors may appoint a secretary and treasurer and such other officers and agents as they may deem proper and expedient for the management of the affairs and business of said company, under rules and regulations as may be prescribed by the by-laws of said company, which the directors of said company are hereby authorized to pass and adopt.

President. *SEC. IV. Be it further enacted by the authority aforesaid,*
Other officers and agents. That said board of directors may exercise all such powers and privileges as may be necessary and convenient for the establishing and maintaining said express line or lines, or the conducting and managing the affairs of said company, not inconsistent with the laws of Georgia or of the United States.

By-laws. *SEC. V. Be it further enacted by the authority aforesaid,*
Powers of directors. That said company shall have power, in its corporate name, to sue and be sued, to plead and be impleaded in any court of law or equity having competent jurisdiction; to make, use and have a common seal and the same to alter at pleasure; to purchase and hold such real and personal estate as the lawful purposes of the corporation may require, and may sell and convey the same at pleasure.

SEC. VI. Be it further enacted by the authority aforesaid, That every stockholder shall be entitled to one vote for directors of said company for each share of stock he may own in said company.

General corporate powers. *SEC. VII. Be it further enacted by the authority aforesaid,*
Vote of stockholders. That said company shall have power to make such arrangements with the several railroad companies, steamboat companies and other carriers, in this State and elsewhere, for the transportation of goods, wares, merchandise, gold and silver coin, bullion, bank notes, currency and other articles of value as may be necessary to carry out the purposes of said corporation, and for the safe and speedy transmission of said articles of value, goods and so forth, in the State of Georgia and elsewhere, charging therefor a reasonable compensation for such transportation, reserving to the Legislature the right to prescribe, at any future time, the rates of such charges.

SEC. VIII. Be it further enacted by the authority aforesaid,
Rights as carriers. That the principal office of said company shall be in the city of Rome, and said company shall have power to establish branch offices in such parts of the State and elsewhere as may be necessary to carry out the purposes of this corporation.

SEC. IX. Be it further enacted by the authority aforesaid,
Principal and branch offices. That all the property of the corporation shall be bound for the
Liability for debts.

Amending the Charter of the Van Wert Quarrying and Mining Company.

debts of the corporation, and the stockholders thereof shall be liable for such debts to the extent of their unpaid subscription to the stock of said company. Liability of stockholders.

SEC. X. *Be it further enacted by the authority aforesaid,* That this Act shall take effect from and after its passage, and shall remain of force for the term of thirty years. Term of charter.

SEC. XI. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved September 21st, 1887.

AMENDING THE CHARTER OF THE VAN WERT QUARRYING AND MINING COMPANY.

No. 248.

An Act to amend an Act to incorporate the Van Wert Quarrying and Mining Company, approved December 18th, 1866, by giving additional powers and extending the time of said corporation.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, the charter of the Van Wert Quarrying and Mining Company be so amended as in addition to the powers therein granted, that the said corporation shall have full power and authority to do a general banking business, so far as to receive money on deposit, to make loans upon any security, either real or personal, it may deem proper; discount, or buy, sell, draw and issue bills of exchange, either foreign or domestic; issue time and demand certificates of deposit, and to certify checks. Banking powers.

SEC. II. That said corporation may at any time increase its capital stock, by a majority vote of the board of directors present, to any sum not to exceed one million dollars. Increase of capital stock.

SEC. III. That the time which the charter shall continue in force and effect shall be extended for the period of thirty years from the expiration of the time granted in said charter. Term of charter.

SEC. IV. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29, 1887.

Incorporating the Darien and Doboy Telegraph Company.

INCORPORATING THE DARIEN AND DOBOY TELEGRAPH
COMPANY.

No. 369

An Act to incorporate the Darien and Doboy Telegraph Com-
pany, and for other purposes.

Corpora- tors. Corporate name. Purpose. Route, etc. General powers.	SECTION I. <i>Be it enacted by the General Assembly of the State of Georgia</i>, That Thomas Hilton, Joseph Hilton, James L. Foster, Joseph P. Gilson and James Lachlison, of the county of McIntosh, together with such other persons as may hereafter be associated with them, be, and they are hereby made a body corporate in law under the corporate name and style of the Darien and Doboy Telegraph Company, for the purpose of erecting and maintaining an electro-magnetic telegraph and telephone line, and transmitting intelligence by means thereof, between Darien and Doboy, in said county, by such route and by cable or otherwise, between said places as may to said company seem most feasible; and by said name and style to have power and authority to sue and be sued, plead and be pleaded answer and be answered to, in any court of law or equity having jurisdiction thereof in this State; to make and use a common seal and the same to alter or renew at pleasure; to purchase and hold such real and personal property as the purposes of said corporation may require, and the same to sell, alien or convey, or otherwise dispose of as may be found needful; to appoint such officers and agents as may be necessary for the management of the affairs of said company, and to make such by-laws as are not incompatible with this charter and the Constitution and laws of this State.
--	---

Capital stock.	SEC. II. <i>Be it further enacted</i>, That the capital stock of said company shall consist of one hundred shares of the value of thirty dollars each, amounting in the aggregate to three thousand dollars, but this company shall have the power to commence business when one thousand dollars of said stock is paid in, with the privilege of increasing the value of said shares to fifty dollars each, amounting in the aggregate to five thousand dollars, and that certificates shall be issued to the shareholders for the amount of stock they may respectively hold therein.
---------------------------	--

Directors. Vote of stockhold- ers. Officers.	SEC. III. <i>Be it further enacted</i>, That for the better ordering and managing said company, five directors shall be elected from the shareholders, annually, each shareholder being entitled to one vote for each share owned by him or her. The directors shall elect one of their number president, and shall be empowered to elect or appoint such other officers as they may deem necessary, and to establish such compensation for their services as said company shall deem proper.
---	--

SEC. IV. *Be it further enacted*, That the president and directors shall have power and authority to contract with any person or persons, or bodies corporate, for the purpose of connecting its line with any other line or lines, and said company shall have power to extend its line from either Darien or Dobey, to such other point or points in said county and State as it may deem profitable, not to interfere with privileges guaranteed to others.

Connection
with other
lines.

Extension
of lines.

SEC. V. *Be it further enacted*, That said company shall have power to set up their fixtures upon any street, road or roads, along the banks of any river and across any marshes, lands or streams without the same being held or deemed a public nuisance or subject to be interfered with by any private person or persons; *Provided*, that such fixtures shall be so constructed as not to interfere with the customary travel of vehicles over any of such streets or roads, nor the common use of any watercourse nor convenience of any land-owner further than the same is unavoidable; *Provided also*, that in the event said company does not procure from the owner or owners thereof by contract, lease or purchase, the title to the lands, or right-of-way, or other property necessary or proper for the construction or connection of said telegraph company and its branches or extensions, it shall be lawful for said company to construct its telegraph over any lands or real estate belonging to other persons or corporations, upon paying to the owner thereof, or to his or her or its legally authorized representatives, just and reasonable compensation when not otherwise agreed upon, shall be assessed and determined as provided for in section 1689 (1) of the Code.

Right of-
way, etc.

Proviso.

Disputed
rights-of-
way.

SEC. VI. *Be it further enacted*, That every person who shall destroy, remove or break or commit any injury in and upon any of the fixtures, apparatus or improvement of said company, erected in pursuance of the authority given by the charter from the General Assembly of the State of Georgia, or necessary to carry out the object contemplated therein, shall be liable for all the damages which the company may sustain or suffer in repairing such injury, and in the interruption of its business, to be recovered in an action of trespass, and shall be further liable to indictment for a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code.

Penalty for
destruction
of
fixtures,
etc.

SEC. VII. *Be it further enacted*, That the privileges and immunities to be conferred by said charter upon said company shall commence as soon as the contract shall be entered into between said corporation and any person or persons to construct said line of telegraph, which shall be completed within two years from the date of incorporation, and shall thence exist and continue until the full end and term of twenty years, and the principal office of

Term of
charter.

Incorporating the Midland Telegraph Company.

Principal office. said corporation shall be in the city of Darien and said county of McIntosh.

SEC. VIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

INCORPORATING THE MIDLAND TELEGRAPH COMPANY.

No. 491.

An Act to incorporate the Midland Telegraph Company; to confer certain powers and privileges on the same, and for other purposes.

Corporators. SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same*, That G. Gunby Jordan, M. E. Gray, Oscar S. Jordan and W. A. Little, their associates and successors be, and they are hereby made a body corporate and politic, under the name and style of the Midland Telegraph Company, and by that name shall have the right to sue and be sued, to plead and be impleaded, to have and use a common seal, to make by-laws, rules and regulations for the government of the company; to appoint officers and agents; to buy, sell, mortgage, hold and convey real and personal property, and to have all the rights and privileges incident to corporations under the laws of this State, and necessary to carry on the business herein contemplated, not inconsistent with the laws of this State.

Corporate name. General powers. SEC. II. *Be it further enacted*, That the capital stock of said company shall be twenty-five thousand (\$25,000) dollars, with the privilege of increasing the same to one million (\$1,000,000) of dollars, which shall be divided into shares of fifty (\$50) dollars each, and such company may commence to do business whenever ten (10) per cent. of the capital stock shall have been paid in.

Capital stock. SEC. III. *Be it further enacted by the authority aforesaid*, That the business of said company shall be the constructing, maintaining and operating telegraph lines, for the purpose of transmitting communications for pay and reward by means of electricity, and such other power as may be known and discovered, over wires or such other conductors as may be selected, within the limits of this State and elsewhere, and to demand, receive and collect pay for the same; and to this end the said company is authorized and empowered to construct its lines, including the erection of posts, poles and other necessary supports and fixtures along, on and upon.

Powers as telegraph company.

Use of right-of-way of railroad companies.

the right-of-way of the Georgia Midland and Gulf Railroad, as well as that of any and all other railroads; *Provided*, that such posts, poles and other necessary supports and fixtures on any of said rights-of-way, and wires connected therewith, shall be so arranged and constructed as not to hinder, interrupt nor interfere with the running of cars and locomotives over such railroads.

SEC. IV. *Be it further enacted*, That said company shall have the right to enter upon the lands of any person or corporation and erect thereon necessary posts, poles, supports, fixtures and wires necessary to make and equip a telegraph line for the transmission of messages and communications between any two given points, and shall pay to the owners of said land such damages therefor as shall be awarded against it by three appraisers, one to be selected by each party, the third by the other two, the Ordinary of the county where the land is located being authorized to appoint an appraiser when the owner of the land fails to do so.

Right-of-way over private lands, etc.

SEC. V. *Be it further enacted*, That the said company shall have power to erect and maintain poles, posts, supports, fixtures and wires along any of the highways of this State and in the streets of any town, city or village, subject to any reasonable regulation of the municipal authority of any such city, town or village.

Rights to use highways and streets.

SEC. VI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 24th, 1887.

Incorporating the St. Mary's, Satilla and Turtle Rivers Canal Company.

TITLE V.

STEAMBOAT, CANAL AND NAVIGATION COMPANIES.

ACTS.

Incorporating the St. Mary's, Satilla and Turtle Rivers Canal Company.
 Incorporating the Augusta Steamboat Company.
 Amending Charter of the Turtle and Altamaha Rivers Canal Company.
 Incorporating the Montezuma Steamboat Company.
 Incorporating the Rome Steamboat Company.
 Incorporating the Columbus and Gulf Navigation Company.
 Incorporating the Connasauga Canal and Manufacturing Company.

INCORPORATING THE ST. MARY'S, SATILLA AND TURTLE RIVERS CANAL COMPANY.

No. 207.

An Act to incorporate the St. Mary's, Satilla, and Turtle Rivers Canal Company; to grant certain privileges therein named, and for other purposes.

Corpora- tors. Corporate name. General powers.	SECTION I. <i>Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,</i> That Urbanus Dart, T. W. Dexter, C. P. Goodyear and W. E. Kay, and such other individuals as the above-named persons shall associate with them, and their successors and assigns, shall constitute a body corporate by the name and style of the St. Mary's, Satilla and Turtle Rivers Canal Company, and by said corporate name shall be capable in law to make contracts; to sue, besued; to buy, hold and sell real estate and personal property for its corporate purposes; to make by-laws not inconsistent with the laws of the land; to have and use a common seal, and alter or destroy the same at pleasure, and to do all other lawful acts, and to exercise
---	--

Incorporating the St. Mary's, Satilla and Turtle Rivers Canal Company.

in general all the powers incident to corporations, and necessary and proper for the transaction of the business for which it is incorporated; this charter to continue in force for the term of fifty (50) years with the privilege of renewal at the end of said term. Term of charter.

SEC. II. *Be it enacted by the authority aforesaid*, That the capital stock of said company shall be one hundred thousand dollars (\$100,000), divided into shares of one hundred dollars (\$100) each, with the privilege of increasing said capital stock, from time to time, to a sum not exceeding (\$250,000) two hundred and fifty thousand dollars, upon a vote of two-thirds of the stockholders, at a regular or special meeting; and said stock shall be issued and transferred in such a manner, and upon such conditions as may be prescribed in the by-laws of said corporation, each share of (\$100) one hundred dollars, being entitled to one (1) vote at all meetings of stockholders. Capital stock.

Issue and transfer.

Vote of stockholders.

SEC. III. *Be it enacted by the authority aforesaid*, That said corporation be, and the same is hereby empowered to survey, lay out, build, dig, construct, use, own and maintain a canal or slack-water navigation of suitable width, depth and dimensions to be determined by the board of directors of said corporation, from Turtle River, in the county of Glynn and State of Georgia, to the Little Satilla River, thence by the most feasible route to and into the Great Satilla River in Camden county, Georgia, thence by the most feasible route from the Great Satilla River to St. Mary's river, in Camden county Georgia, using such creeks, cuts, water-ways, or other ways as may be deemed expedient by the board of directors, so as to connect the waters of Brunswick harbor with the Little and Great Satilla rivers and St. Mary's river, thereby avoiding the difficulties and dangers of navigation of St. Andrews sound at the mouth of Satilla river, and Amelia or Cumberland sound at the mouth of the St. Mary's river, with full power and authority to use such part or portion of the bed of the river or stream as may be deemed necessary in constructing the said canal, and also the full power and authority to maintain banks or dams as may be advisable and necessary and to improve, by streams or dams or otherwise, any or all the streams which will flow into or may be made to connect with said canal; but nothing contained in this Act shall be construed to authorize said company to obstruct or collect toll upon any navigable water-course, or in any way to impair or hinder the free use and navigation of any such navigable water-course. May construct, maintain, etc., canal.

Route.

Use of rivers, streams, etc.

Banks and dams, etc.

SEC. IV. *Be it enacted by the authority aforesaid*, That said company shall have the power and authority to acquire, by purchase or otherwise, and to hold for its corporate uses and pur- Rights-of-way, etc.

Incorporating the St. Mary's, Satilla and Turtle Rivers Canal Company.

Disputed
rights-of-
way.

poses, all rights-of-way or any other rights, franchises or property necessary to the ends and aims of said corporation. If it shall become necessary in building said canal, or in improving any of its slack-water feeders and branches, or in building any banks or dams, as aforesaid, to pass over or through any private property, the said company shall pay to the owner or owners of such lands or property through which said canal or slack-water improvement may pass, a just indemnity, to be ascertained as hereinafter provided, for the value of the property or land taken for said canal or any of the improvements connected therewith, for a reasonable distance on either side of same, or for damage done the property aforesaid by the passage of said canal, unless the said company and the owner or owners of said property may agree upon the said damages. Whenever any person shall feel aggrieved or injured by said canal being built or dug through his or her land, or by the erection of banks, dams or other improvements aforesaid on or through his or her land or property, as to any damage sustained as aforesaid, the amount of such damage or injury shall be ascertained or determined by the written award of three (3) sworn appraisers to be chosen, one by the company, one by the owner, if he or she shall think proper, and one by the Ordinary of Glynn or Camden county; but if such owner shall decline or refuse to appoint an appraiser, then, by two appraisers appointed by the Ordinary, as aforesaid, and one (1) appointed by the company; the award of the appraisers appointed as aforesaid to operate as a judgment for the amount against the company, and shall be recorded in the Superior Court of Glynn or Camden county at the next term of said court thereafter and be enforced by execution from said court, with the right of appeal to either party, to be tried at the next term thereafter by a jury in the same manner as is now prescribed by law for appeals of justice courts to the Superior Court.

Toll.

SEC. V. *Be it enacted by the authority aforesaid,* That the said company shall have the right to operate and use said canal and other improvements aforesaid in such manner as may be deemed most expedient, and shall have the power to collect such rates of toll as may be just and reasonable, on all lumber, timber, logs, rafts, steamboats and other water-craft of any and every description that may be transported over, conveyed or passed on and through the said canal, or through the said slack-water improvements connecting with the canal as aforesaid, or any part or portion thereof. The said canal shall have for its tolls or charges a

Lien for.

lien on any property so passed over or conveyed through said canal and slack-water improvements aforesaid until said tolls or charges are fully paid, the enforcement of which lien shall be in

accordance with the statute law of this State, as embraced in article 5, chapter 2, title 3, part 2, of the Revised Code of Georgia, 1873, (p) 1991.

SEC. VI. *Be it further enacted by the authority aforesaid,* That any person injuring the property of said company, or who shall throw earth, stones, trees, logs, rubbish or any other matter or thing whatsoever into said canal, slack-water improvements, or who shall wilfully cut, break or injure in anywise any dams or banks that may be built or erected by said company, shall be punished by indictment as for a misdemeanor, and on conviction may be fined or imprisoned, or both, at the discretion of the court, as prescribed in section 4310 of the Revised Code of Georgia, and shall also be liable for such damage as may be occasioned thereby, to be recovered by action at the suit of said company, or any person aggrieved, in any court having jurisdiction.

Penalty
for injur-
ing prop-
erty of com-
pany.

SEC. VII. *Be it further enacted by the authority aforesaid,* That the said corporation, as soon as fifty thousand dollars (\$50,000) are *bona fide* subscribed, shall organize a board of directors, who shall elect at their first meeting after said organization, one of their number as president, who shall receive such compensation as said board of directors may determine. The term of office of the president and board of directors, as aforesaid, and the manner and form of all subsequent selections of directors, shall be fixed and established by the by-laws to be framed by them, and all other officers shall be elected by the board of directors.

Organisa-
tion.

Directors.

President

Term of of-
fice.

By-laws,
etc.

SEC. VIII. *Be it enacted by the authority aforesaid,* That the said board of directors may call for further installments on each share whenever necessary for the interest of said corporation, not to exceed one hundred dollars (\$100) in all on each share, giving at least ten (10) days notice in a public gazette of the city of Brunswick of such call, and any and all stockholders failing to pay such installments so called for within thirty (30) days after the time designated by such call, shall forfeit his or her stock in said company, and all payments which he or she may have heretofore made, and the stock so forfeited, shall vest in and become the property of said company, to be disposed of as the said board of directors may determine.

Stock as-
sessment.

Failure to
pay.

SEC. IX. *Be it enacted by the authority aforesaid,* That the said corporation shall be responsible to its creditors to the extent of its property and assets, and each stockholder shall be liable in his or her private capacity for the amount of stock subscribed for by him or her, until said subscription is fully paid up, until the stockholder shall have paid, out of his or her private property, debts of the said corporation to an amount equal to his or her unpaid subscription, as aforesaid.

Liability
for debts.

Liability
of stock-
holders.

Incorporating the Augusta Steamboat Company.

SEC. X. *Be it enacted by the authority aforesaid,* That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21st, 1887.

INCORPORATING THE AUGUSTA STEAMBOAT COMPANY.

No. 224.

An Act to incorporate The Augusta Steamboat Company, and for other purposes.

**Corporate
name.** SECTION I. *Be it enacted by the General Assembly, and it is hereby enacted by authority of the same,* That Zachariah McCord, James Tobin, James J. Dicks, Joseph H. Day and Benjamin H. Smith, Jr., of the county of Richmond, State of Georgia, and their associates and successors be, and they are hereby created a body politic and corporate, under the name of The Augusta Steamboat Company, with powers to sue and be sued, plead and be impleaded in the courts of equity and law in this State, to have and use a corporate seal, with right to break, alter and change the same at will; to purchase, hold and use all such real and personal property of every kind and description as may be deemed desirable or necessary to, and as will advance the interest and welfare of said company.

**Previous
incorpora-
tion
under gen-
eral law
confirmed.** SEC. II. *Be it further enacted by authority of same,* That the previous incorporation of The Augusta Steamboat Company, had under and by virtue of the general laws of this State, entitled "An Act for the incorporation of companies formed within the State, to navigate the ocean, seas and rivers by steam vessels, to define the powers and liabilities of the same, and for other purposes," approved September 28th, 1881, be, and the same is hereby ratified and confirmed; and that said Act of September 28th, 1881, is hereby declared as the charter of The Augusta Steamboat Company.

**Organiza-
tion, etc.,
under pre-
vious in-
corpora-
tion rati-
fied.** SEC. III. *Be it further enacted,* That the organization, election held, and all acts and doings of The Augusta Steamboat Company had in pursuance of the incorporation under the general law relating to navigation companies be, and the same is hereby approved in every respect.

SEC. IV. *Be it further enacted,* That inasmuch as this charter has been granted for the purpose of securing water transportations and the benefit of competition, neither said company, nor any person for it, shall have any power or authority to make with

Amending Charter of the Turtle and Altamaha Rivers Canal Company.

any competing railroad, person, firm or corporation, or with any person or corporation for them or in their interest, either directly or indirectly, any contract, agreement or arrangement that may have the effect, or be intended to have the effect, or to continue any contract or arrangement, after the same has been properly made, that shall be shown to have the effect to defeat or lessen competition or to encourage monopoly, and every such contract or arrangement shall be absolutely null and void and of none effect. The stock of any director or stockholder who shall make or assist in making any such illegal contract or arrangement shall be forfeited to and become the property of said company herein chartered, to be by it or its officers sold for the benefit of said company, and be held by the purchaser subject to the provisions hereof. Any stockholder of said company, or any merchant in the city of Augusta, or any member of the Augusta Cotton Exchange shall be authorized to institute legal proceedings to have such illegal contract or arrangement set aside for the benefit of said city, the merchants, trade and commerce thereof, and to have stock forfeited for the benefit of said company, and to secure the running of the boats thereof. But said company shall have full power to make legal contracts with connecting lines of boats, ships or railroads.

May not make or continue contracts, etc., to lessen or defeat competition.

Penalty for.

Who may interfere.

May contract with connecting lines.

SEC. V. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 22d, 1887.

AMENDING CHARTER OF THE TURTLE AND ALTAMAHA RIVERS CANAL COMPANY.

No. 279.

An Act to amend an Act to incorporate the Turtle and Altamaha Rivers Canal Company, and to grant certain privileges therein named.

SECTION I. *Be it enacted by the General Assembly of Georgia*, and it is hereby enacted by authority of the same, That an Act entitled an Act to incorporate the Turtle and Altamaha Rivers Canal Company, and to grant certain privileges therein, said Act approved September 28th, 1883, and published in the published laws of 1882 and 1883, page 229, be amended as to section seven (7) of said Act, by striking from said section the words, "they commence," on the last line but one of said section, all the remaining words of said section, and substitute therefor the follow-

Time within which beginning and completion of work on said canal must take place.

Incorporating the Montezuma Steamboat Company.

ing words, to-wit: "within two (2) years from the first day of January, 1888, and complete such canal within two years thereafter," so that said section 7 of said Act, as amended, shall read as follows: "That said company shall have the exclusive privilege of constructing such canal and canals for ten miles on each side of the main canal; *Provided*, they commence within two years from the first day of January, 1888, and complete such canal within two years thereafter."

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 5, 1887.

INCORPORATING THE MONTEZUMA STEAMBOAT COMPANY.

No. 354.

An Act to incorporate the Montezuma Steamboat Company and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That from and after the passage of this Act Elijah B. Lewis, Brown and Westbrook, J. E. DeVaughn, J. W. McKinzie, J. E. Ellington, H. L. Hill, W. V. Hill, R. O. Engram and W. P. Maxwell, T. J. Ray, their associates and successors, be, and they are hereby constituted a body politic and corporate by the name and style of the Montezuma Steamboat Company, and by that name and style may sue and be sued, plead and be impleaded, may have and use a common seal and the same break, alter and renew at pleasure, and may make such by-laws, rules and regulations as they may deem necessary or proper, not inconsistent with the Constitution and laws of the United States or of this State.

SEC. II. *Be it further enacted*, That the said corporation shall have power and authority to run a steamboat or boats upon the Flint River, or any other river or waters, for the purpose of transporting passengers, freights, goods, wares or merchandise, and doing any other business usual or customary with said companies, and may have, hold, use, enjoy, and sell, barter or exchange any property, real, personal or mixed, that may be necessary or proper in carrying out the purposes of its organization.

Corporators.

Corporate name.
General powers.

Powers as navigation company.

Property rights.

Incorporating the Rome Steamboat Company.

SEC. III. *Be it further enacted*, That the capital stock of said company shall be five thousand dollars, in shares of fifty dollars each, which said company may increase to fifty thousand dollars, and shares of stock shall be transferable only upon the books of the company, in person or by attorney. Said company may commence business and exercise the franchises hereby granted when five thousand dollars of said capital stock shall have been paid in.

SEC. IV. *Be it further enacted*, That said company shall have power to borrow money and secure the same by mortgage on or conveyance of its property and franchises, and may make any other contract that may be necessary in carrying on this business. The company shall be responsible to its creditors to the full extent of all its property and assets.

SEC. V. *Be it further enacted*, That the business and affairs of said company shall be managed by a president and board of directors, not less than five, to be selected by said company at such time, for such terms and with such duties as the stockholders of said company may prescribe; any necessary or proper agents, servants or employees may be engaged or hired as may be deemed advisable by said stockholders or the president and board of directors at such compensation as said company may authorize. In any meeting of said stockholders each share of stock shall be entitled to one vote, and the stock of any absent stockholder may be represented and voted by proxy, and the president and three members of said board shall be necessary to constitute a quorum of said board.

SEC. VI. *Be it further enacted*, That the principal place of business of said corporation shall be in the city of Montezuma, in the county of Macon, in this State, but agencies may be established and conducted at such other place or places as the business of said company may require.

SEC. VII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 20, 1887.

INCORPORATING THE ROME STEAMBOAT COMPANY.

No. 368.

An Act to incorporate the Rome Steamboat Company, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That John J. Seay, Jno. T. Warlick, A. W. Walton and

Incorporating the Rome Steamboat Company

their associates, and all persons who may hereafter become stockholders in said company, are hereby created a body corporate by the name of the Rome Steamboat Company, for the purpose of owning, building, purchasing, equipping, employing, or chartering and fitting out steamboats to be propelled by steam, and to be run and employed in navigation and the transportation of freight and passengers over the waters of the Oostanaula river, and over all navigable streams flowing into, forming or tributary thereto; and all powers, privileges and immunities necessary or beneficial to such a corporation are hereby granted and conferred upon the same, and especially the power to charge and collect freights, tariffs and passenger fares, and to purchase, own or sell wharves, warehouses, real estate, telegraph, telephone and all other property that will tend to facilitate the accomplishments of the purpose for which said Rome Steamboat Company is created.

Corporate name.
Purpose.
General powers.
Tolls, etc.
Wharves, etc.

Capital stock.

Liability of stockholders.

SEC. II. *Be it further enacted*, That the capital stock of said corporation shall be three thousand dollars, with the privilege to the stockholders of increasing or changing the same, from time to time, to any sum between three thousand and (\$50,000) fifty thousand dollars, the same to be divided in shares of twenty-five dollars each. Every stockholder in said corporation shall be liable in his individual capacity for all the debts and liabilities of said corporation to the extent of his stock therein.

Directors.
Management.

SEC. III. *Be it further enacted*, That said corporators herein named, or any three or more stockholders, who may be duly elected directors at a meeting of the stockholders in which at least two-thirds of the capital stock is represented, shall have power, upon the passage of this Act, to commence operations, and to conduct and control all the business and affairs of the corporation, except as to matters otherwise expressly ordered by the stockholders, in meeting assembled.

Rules, etc.

SEC. IV. *Be it further enacted*, That the stockholders may adopt their own rules and regulations with reference to time of meeting, manner of voting, and the transaction of business.

Term and powers of directors.

SEC. V. *Be it further enacted*, That the directors, when elected, shall hold office for one year, or until their successors are elected, and may adopt their own rules and by laws, not inconsistent with the laws of this State and of the United States, or with the rules of the stockholders, and may elect and employ such officers as may seem to them best, and may confer such powers upon said officers as will best facilitate the transaction of business and the advancement of the interest of the corporation.

SEC. VI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

INCORPORATING THE COLUMBUS AND GULF NAVIGATION COMPANY.

No. 411.

An Act to incorporate the "Columbus and Gulf Navigation Company; to confer certain powers and privileges on said company, and for other purposes."

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That Charles A. Klink, Isaac Joseph, Samuel Eberhart, James T. Thweatt, of Muscogee county, and John E. Donaldson of the county of Decatur, and such other persons as may be associated with them, and who shall be stockholders, and their successors and assigns, be, and are hereby created a body politic and corporate under and by the corporate name of "Columbus and Gulf Navigation Company," with power, under said name, to sue and be sued, plead and be impleaded in the courts of law and equity in this State; to have and use a corporate seal; to hold, use and enjoy all such real and personal property as may be necessary to, and will advance the interest of said company, together with such powers as are herein conferred, as well as those which by the laws of this State are conferred generally on incorporations.

Corporators.

Corporate name.
General powers.

SEC. II. *Be it further enacted by the authority aforesaid,* That said company be, and they are hereby authorized and empowered to build for their own use, purchase, equip, fit out, charter, navigate or own vessels to be propelled solely by steam, to be used for the transportation of passengers, freights and mails, and in all lawful commerce upon the Chattahoochee, Appalachicola and Flint rivers, and upon the Appalachicola bay, in the States of Georgia and Florida, between the ports of Columbus, in the county of Muscogee and State of Georgia, on said Chattahoochee river, to the port of Bainbridge, in the county of Decatur, in said State of Georgia on said Flint river, and the port of Appalachicola, in the State of Florida, and on Appalachicola bay, and to all ports on any of said rivers between said named ports. Said company is also authorized to purchase or erect and own such cotton compresses as it may desire, and to compress cotton for any person or corporation delivering the same to it for that purpose, and to charge and collect from such person or corporation a reasonable compensation for compressing the same.

Powers as navigation-company.

Compressing cotton, etc.

SEC. III. *Be it further enacted by the authority aforesaid,* That the capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each, for which certificates of stock shall be issued, but said company shall have the privilege, at any time, by a vote of a majority of

Capital stock.

Certificates
and trans-
fers of
stock.

Incorporation
under
general
law con-
firmed, etc.

the shares of stock, to increase its capital stock to any amount not to exceed two hundred thousand dollars. Said certificates of stock shall be signed by the president and secretary of said company, and shall be transferable only on the books of said company, as may be prescribed in the by-laws of said company; but no share shall be transferable until all previous calls thereon shall be fully paid. But nothing in this Act shall be so construed as to render invalid, illegal or less binding any subscription made to, or contract made with said Columbus and Gulf Navigation Company, as incorporated under the general laws of this State. This Act is made and intended as ancillary to all the rights, powers and privileges conferred on the Columbus and Gulf Navigation Company by virtue of previous incorporation under the general laws of this State providing for the incorporation of navigation companies. The powers herein conferred, where not conferred by the general laws under which it was incorporated are additional and enlarged powers, and all changes made herein from those general laws under which its certificate of incorporation was received, are to be construed as amendments to its said chartered rights and privileges, and all confirmations and grants in this Act of same privileges as exist by general laws under which said company received a certificate from the Secretary of State, are intended as a legislative grant of same.

Directors.

Election.

Vote of
stockhold-
ers.

Provisional
directors.

Vacancies.

Offices and
agencies.

SEC. IV. *Be it further enacted by the authority aforesaid,* That the stock, property and concerns of said company shall be managed by five directors, who shall, respectively, be stockholders in said corporation, and a majority of whom shall be residents of this State, and who shall, except the first year, be annually elected by the stockholders, at such time and place, and in such manner as shall be prescribed by the by-laws of the company; each stockholder shall be entitled to as many votes as said stockholder may hold shares in said company, and such election shall be by ballot, and such votes may be cast in person or by proxy duly given in writing. Under the organization had by virtue of the certificate of incorporation under existing laws, the following persons were chosen as directors to serve for the first year, and they are hereby appointed and authorized to act as directors of said company until the annual meeting of the stockholders in 1888, and until their successors are elected, to-wit: Charles A. Klink, Isaac Joseph, Samuel Eberhart, James T. Thweatt and John E. Donaldson, with all the powers conferred by this Act, and the by-laws of the company. The board of directors of said company shall have power to fill all vacancies which may occur in said board between the annual elections by stockholders. The principal office for managing the affairs of said corporate company shall be situated in the city of Columbus, in the county of Muscogee and State of Georgia, but said board of directors may

establish agencies wherever they may consider the business of said company demands such agency.

SEC. V. *Be it further enacted by the authority aforesaid,* That the board of directors shall elect one of their number to be president. The president and directors of said company shall have power to conduct and control all the business and affairs of said corporation, except as to matters expressly ordered otherwise by the stockholders, or a majority of them, in meeting assembled; to make all contracts and to appoint all officers and agents necessary, in their opinion, for conducting the business, and to fix the salaries and compensation of same, and to confer on them, or any of them, any power or authority touching the business for which they may be employed; that the president and directors shall have power to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholder within sixty days after demand or notice requiring payment shall have been published once a week for four weeks in the newspaper containing the sheriff's advertisement, published in the city of Columbus, in the county of Muscogee; but the recovery by action of any installment shall preclude the corporation from forfeiting any stock by reason of the non-payment of any such installment. The directors shall also have power to make such reasonable by-laws, not inconsistent with the laws of this State or the laws of the United States, as they shall deem proper for the management and disposition of the property, affairs and concerns of said corporation; to declare such dividends from time to time as the earnings of the said company may warrant, and shall exercise all and singular other powers usually exercised by the directors of a corporation in controlling the affairs of the same; *Provided, nevertheless,* that the stockholders in convention shall have power to regulate and limit the discretionary power conferred on the board of directors, or repeal, alter or amend any by-laws or regulations which may be enacted or established by said board of directors.

SEC. VI. *Be it further enacted by the authority aforesaid,* That the stockholders in said company shall, in their private capacity, be bound to any creditor of the company for the amount of stock subscribed for by him until such subscription is fully paid up, or until such stockholder shall have paid out of his private property debts of said company to an amount equal to his unpaid subscription, and not otherwise.

SEC. VII. *Be it further enacted by the authority aforesaid,*

President.

Powers of president and directors.

Stock assessments.

Failure to pay.

By-laws.

Dividends.

Power of stockholders.

Liability of stockholders.

Incorporating the Connasauga Canal and Manufacturing Company.

Term of
charter.

That this charter and Act of incorporation shall continue and be of force for the term of fifty years.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

INCORPORATING THE CONNASSAUGA CANAL AND MANUFACTURING COMPANY.

No. 517.

Act to incorporate the Connasauga Canal and Manufacturing Company, of Gerdon county, Georgia; to grant certain privileges therein named, and for other purposes.

Corpora-
tors.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That John Hill, H. A. Wrench, J. A. Fite, W. C. Griffin, S. M. Barnett, J. G. Fite, J. A. Johnson, W. R. Rankin, W. H. Black, B. M. Harlan, Z. T. Gray, W. F. King, J. M. Smith and P. M. B. Young and such other individuals as the above named persons shall associate with them, and their successors and assigns, shall hereafter be a body corporate by the name and style of the Connasauga Canal and Manufacturing Company, and by said corporate name shall be capable in law to make contracts; to sue and be sued; to buy, own and sell real estate and personal property; to make by-laws not inconsistent with the laws of the State of Georgia or of the United States; to have and use a common seal, and to do all other lawful acts and to exercise in general all the powers incident to corporations and necessary and proper for the transaction of the business for which it is incorporated. This charter to continue in force for the term of twenty (20) years with the privilege of renewing at the expiration of that time. Its place of business to be at Resaca, Georgia.

Corporate
name.
General
powers.Term of
charter.
Office.Capital
stock.

SEC. II. *Be it further enacted,* That the capital stock of this company shall be fifty thousand (\$50,000) dollars, divided into shares of one hundred (\$100) dollars each, but with the privilege of increasing said capital stock, from time to time, to any sum not exceeding one million (\$1,000,000) dollars, whenever it may be deemed expedient by a majority of the board of directors of the corporation for the time being, and such stock shall be issued and transferred in such manner and upon such conditions as may

be prescribed in the by-laws of such corporation, each share of one hundred (\$100) dollars being entitled to one vote at the meeting of stockholders for election of officers and upon other occasions and at such times and in such manner as the company shall by its by-laws prescribe.

SEC. III. *Be it further enacted*, That such company shall have the right, power and authority to build, construct, own and maintain a canal or slack-water navigation of such width, depth and dimensions as it shall deem suitable, from or near a point on the Connasauga river, within one mile east of the Western and Atlantic Railroad, in Gordon county, and from one (1) to two (2) miles north of the town of Resaca, and terminating at some point on the Oostanaula river within one (1) mile of the Western and Atlantic Railroad depot at said town; that said company shall have the power to deepen, widen and straighten either of said rivers between the points named and the source of beginning of such streams, and such streams as may empty into them, to remove obstructions of whatever nature, not in conflict with private rights, boom up lagoons, dam side-chutes, build waterlocks or reservoir dams wherever needed for the purpose of improving the navigation of these streams, so that logs, timber, lumber or other resources of the country through which they run may be rafted or boated out at any season of the year or stage of the water; the true intent and purpose of this Act being to encourage the marketing of the products of such section, and the manufacture of the same at Resaca, into any articles of commerce and trade of whatsoever character and form, any material, wooden, mineral or plant, said company to have the right and power to acquire by purchase, and to hold for its own use and purposes, all rights-of-way or other rights, property or franchise necessary to the carrying out the purposes of this charter, not in conflict with laws pertaining to navigable streams.

SEC. IV. *Be it further enacted*, That said company shall have the right to agree with and pay over to the owner or owners of all property through which said canal may run, or effected thereby, all damages, if any, that may be done, and whenever any person shall feel aggrieved or injured by said canal being built, improved, altered or operated through his or her land, or by the erection of banks, dams and other improvements, the amount of such damage may be ascertained or determined by the written award of three sworn commissioners, one (1) to be selected by the company, one (1) by the owner of property damaged, and these two (2) to select the third, and the three (3) persons thus selected, or a majority of them, shall determine the damages and the amount to be paid by the company, and the same shall be

Vote of
stockhold-
ers.

Right to
build and
use canal,
etc.

Rights-of-
way, etc.

Disputed
right-of
way.

paid by the company to the person so damaged. The award of said commissioners shall be returned by them to the Superior Court in the county in which they may occur within ten (10) days after made, and shall, upon motion at the next term thereafter, be made the judgment of said court, upon which judgment execution may issue against said company; *Provided*, that either party may, upon notice to the other party within ten (10) days after notice of the rendition of said award, file in such Superior Court an appeal to the same, and upon said appeal an issue shall be made up, and the same shall be tried at the first term thereafter, as in other cases at law; *Provided*, that in all cases where such exceptions shall be taken at law to the award made, such company shall be authorized to proceed in such work upon the canal where objection has been raised, upon giving to such owner or person aggrieved, bond, with good and sufficient security, in amount to be fixed and agreed upon by said commissioners, or the majority of them, for the payment of the amount which may be awarded by the jury upon the trial of said appeal.

Penalty for
injuring,
etc., prop-
erty of
company.

SEC. V. *Be it further enacted*, That any person or persons injuring the property of said company by the removal or placement of any earth or other obstruction whatsoever into said canal, or rivers or creeks improved or altered as aforesaid, and thereby injure or impede the free navigation of said streams or the water in said canal, or who shall wilfully cut, break or injure in any wise any dam, water-lock, boom, chute or bank that may be built or erected by said company, shall be guilty of a misdemeanor, and on conviction in any court having jurisdiction, may be fined, imprisoned, or both, at the discretion of the court, as prescribed in section 4310 of the Revised Code of Georgia of 1873 and the amendments thereto, and shall also be liable for such damages as may be occasioned thereby, to be recovered by action or suit by said company or any person aggrieved, in any court having jurisdiction.

Exclusive
privilege.

SEC. VI. *Be it further enacted*, That the said company shall have the exclusive privilege of constructing said canal for the purpose aforesaid, over a section of two (2) miles next to the canal route, and said exclusive privilege shall not be abridged or taken away from said company or its assigns during the term of its incorporation; *Provided*, That the work of construction is commenced within five (5) years from the passage of this Act, and finished within ten (10) years.

When
work must
begin.

Organisa-
tion.

Directors.

Officers

SEC. VII. *Be it further enacted*, That after the passage of this Act, and so soon as the capital stock of said company has been *bona fide* subscribed, and ten (10) per cent. paid in, the company shall be organized by the election of a board of directors, who shall elect one of their number as president, and such other officers as they may need, and shall pass such by-laws for the

government of said corporation as the purposes of this charter may require.

SEC. VIII. *Be it enacted by the authority aforesaid,* That all laws, local or public, in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

PART III.—Local Laws.

TITLE . . . I.—MUNICIPAL CORPORATIONS.

“ II.—COUNTY OFFICERS.

“ III.—COUNTY AND CITY COURTS.

“ IV.—GAME, Etc.

“ V.—REGISTRATION.

“ VI.—ROADS AND BRIDGES.

“ VII.—FENCES AND STOCK.

“ VIII.—EDUCATION.

“ IX.—LIQUORS.

“ X.—MISCELLANEOUS.

Part III.—Local Laws.

TITLE I.

MUNICIPAL CORPORATIONS.

ACTS.

Amending charter of the city of Atlanta.
Incorporating town of Williamsburg.
Incorporating town of East Point.
Amending charter of Barnesville.
Extension of corporate limits of Columbus.
Incorporating town of Woodbury.
Amending charter of town of Salt Springs.
New charter for Greenville.
Extending limits of Atlanta over Piedmont Park.
Amending charter of Blakely.
Incorporating town of Bartow.
Incorporating town of Logansville.
Amending charter of Palmetto.
Confirming ordinance of city of Augusta as to lease of canal water power.
Terms of office of members of City Council of Augusta.
Incorporating town of Kennesaw.
Issue of bonds by Thomasville for park and water-works.
Extending corporate limits of Thomasville.
New charter for town of Swainsboro.
Amending charter of Fort Valley.
Amending charter of Dalton.
Board of water commissioners of Atlanta.
Amending charter of Carnesville.
Street improvements in city of Savannah.
Additional assistant tax receiver and assessor for Atlanta.
Amending charter of Warrenton.
Punishment of offenders against ordinances of Thomasville.
Amending charter of town of Chookie.
Extending corporate limits of Americus.
Amending charter of Griffin.
Registration of voters in town of Waycross.
Extending corporate limits of Sparta.
Water-works for Dalton.
Amending charter of Belton.
Amending charter of Adairsville.
Incorporating town of Tarrer.
Incorporating town of Ocean City.
Amending charter of Harmony Grove.

 Amending Charter of the City of Atlanta.

Improvement of streets, etc., in Augusta.
 Taxation for water rent, etc., in Augusta.
 Amending charter of Pelham.
 Incorporating town of Cornelia.
 Incorporating town of Hillman.
 Extending corporate limits of Villa Rica.
 Taxation on lands used for agriculture in Newnan.
 Corporate limits of Newnan.
 Amending charter of Conyers.
 Amending charter of Cairo.
 Incorporating town of Bluffton.
 Special business tax in Athens.
 Sewerage, etc., in Athens.
 Street improvement in Athens.
 Amending charter of Ellijay.
 Amending charter of Montezuma.
 Amending charter of Valdosta.
 Amending charter of Atlanta.
 Amending charter of Rome.
 Amending charter of Austell.
 Amending charter of Rising Fawn.
 Amending charter of Jug Tavern.
 Incorporating town of Concord.
 Incorporating town of Collinsville.
 Title to commons in Columbus.
 New charter for Lincolnton.
 Amending charter of Dawson.
 New charter for Tennille.
 Street improvements in Athens.
 Incorporating town of Sugar Valley.
 New charter for Camilla.
 Land for courthouse in Savannah.
 Incorporating town of Blue Ridge.
 Incorporating town of Guyton.
 Incorporating city of Culloden.

 AMENDING CHARTER OF THE CITY OF ATLANTA.

No. 126.

An Act to amend an Act establishing a new charter for the city of Atlanta, approved February 28th, 1874, and the several Acts amendatory thereof, so as to fix the amount of the surplus or sinking fund permanently at one hundred and seventy-five thousand dollars, and to authorize temporary loans, from time to time, not exceeding seventy-five thousand dollars in any one year, and the same to be paid off and retired out of the income of the year in which said loans are made and before the year expires.

SECTION I. *The General Assembly of the State of Georgia enacts as follows:* That from and after the passage of this Act, the surplus or sinking fund of the city of Atlanta provided for by the

Incorporating town of Williamsburg.

Act, approved December 18th, 1884, and the several Acts of which the same is amendatory, be, and the same is hereby permanently fixed at one hundred and seventy-five thousand dollars, instead of two hundred and forty-five thousand dollars, as is provided by the said Act of December 18th, 1884, and that the said amount of one hundred and seventy-five thousand dollars shall be turned over intact and in cash, by the mayor and general council of each year, to the succeeding mayor and general council of the next year, continuously, for the purposes specified in said last mentioned Act; *Provided*, nothing herein shall be deemed to repeal the power heretofore conferred on said mayor and general council to apply part of said surplus fund temporarily for water-works, replacing the same in the sums at the time and in the manner required by the laws now of force relating to the same.

Sinking fund fixed at \$175,000.

Must be turned over each year to new mayor or council.

May be used temporarily.

SEC. II. *Be it further enacted by the authority aforesaid*, That from and after the passage of this Act, the mayor and general council of Atlanta shall have power and authority to borrow money by making temporary loans of not exceeding seventy-five thousand dollars in any one year, the sum or sums so borrowed to be repaid out of the income of the city for the year in which the loan or loans were made, and before the expiration of the year in which the same was borrowed.

Borrowing money on temporary loans.

How to be repaid.

SEC. III. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved July 29th, 1887.

INCORPORATING TOWN OF WILLIAMSBURG.

No. 131.

An Act to incorporate the town of Williamsburg, in the county of Calhoun; to grant certain powers and privileges to the same, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the town of Williamsburg, in the county of Calhoun, be, and the same is hereby incorporated. The corporate powers of said town shall be vested in a mayor and four councilmen; said corporation may sue and be sued, plead and be impleaded, and exercise all other corporate powers necessary in the performance of the duties generally required of a mayor and councilmen.

Corporate government.

General powers.

Incorporating town of Williamsburg.

Limits. SEC. II. *Be it further enacted,* That the corporate limits of said town shall extend one-half mile in every direction from the center of the depot building in said town of the Southwestern Railroad extension.

Provisional municipal board. SEC. III. *Be it further enacted,* That W. H. Price be, and he is hereby appointed mayor, and B. M. Hodge, E. H. Brown, Mark Brownlee and J. D. Johnson be, and they are hereby appointed councilmen of said town, to hold their offices until their successors are elected and qualified as hereinafter provided.

Elections for mayor and councilmen. SEC. IV. *Be it further enacted,* That on the first Saturday in January, 1888, and annually thereafter on the same Saturday mentioned, an election shall be held at the usual place of voting in said town, for a mayor and four councilmen, by the qualified

Term. voters of said town, whose term of office shall be for one year; but none shall vote for, or be eligible to said office of mayor or councilmen, who does not reside within the corporate limits of said town, and who is not qualified to vote for members of the General Assembly of this State; said election shall be held and conducted in the same manner as elections for county officers under the laws of Georgia. The managers of said election shall certify the result to the acting council, and also give a certificate of election to the newly-elected mayor and councilmen each, which certificate shall be sufficient authority to the persons so elected to enter upon the discharge of the duties of their offices after qualification. In the event that the office of mayor or councilman shall become vacant by death, resignation, removal, disqualification, or other cause, the mayor, or in case his seat is vacant, the councilmen, shall order an election, of which ten days' written notice shall be given by posting at the place of holding elections in said town, to fill said vacancy or vacancies; said newly-elected person or persons to fill unexpired terms only.

Result of election. SEC. V. *Be it further enacted,* That before entering on their duties, the mayor and councilmen shall take and subscribe the following oath, which may be administered by any person authorized to administer oaths: "I do solemnly swear that I will faithfully discharge all the duties devolving on me as mayor (or councilman, as the case may be) of the town of Williamsburg, during my continuance in office, according to the best of my ability and understanding So help me God."

Vacancies. SEC. VI. *Be it further enacted,* That said mayor and councilmen shall have power to elect a marshal, appoint such police force, and adopt such police regulations as the necessities of the town may require; also, to appoint a clerk and treasurer, which latter two offices may be entrusted to one person, even one of the council, or to any citizen of the town whom they think best

Oath of office. Said mayor and councilmen shall require such bond from the

Marshal and other officers.

Bond.

Incorporating town of Williamsburg.

marshal, clerk and treasurer, severally, as said council may deem sufficient, approved by the mayor, and conditioned for the faithful performance of their duties; they shall also take and subscribe the following oath before said mayor: "I do solemnly swear that I will faithfully discharge the duties devolving on me as marshal (clerk or treasurer, as the case may be) to the best of my skill and understanding. So help me God." The marshal, clerk and treasurer shall receive such annual salaries as the council may deem just and proper. The mayor and councilmen shall not receive any salaries, but shall be exempt from street tax during the continuance of their official term.

Oath.

Salaries.

SEC. VII. *Be it further enacted*, That said mayor and councilmen shall have power and authority to pass all laws and ordinances they may deem necessary for the government of said town and the protection of the property therein, not inconsistent with the laws of the United States and of this State.

Ordinances, etc.

SEC. VIII. *Be it further enacted*, That said council shall have power to levy and collect a tax not exceeding one per cent. upon all property, both real and personal, within the corporate limits of said town, which may be enforced by execution issued by the clerk in the name of the mayor, and levied by the marshal; if the property levied on be personalty, the same proceedings shall be had that now govern the sale of property under tax executions at constables' sale; but if the property levied on be realty, the marshal shall return the levy to the sheriff of Calhoun county, and by said sheriff sold as the law directs him to sell under executions for State and county taxes when levied on realty. They shall have power to require all persons subject to road duty to work on the streets of said town, or compel said persons in default to pay a commutation tax. They shall have power to open all streets and alleys they may deem necessary for the convenience of the citizens, or the business interest of the town may require. They shall have power and authority to tax all shows, auctioneers, slight of hand performances, gift enterprises within the corporate limits, as they deem proper and just.

Taxation ad valorem.

Working streets. Opening streets, etc.

Tax on shoes, etc.

SEC. IX. *Be it further enacted*, That said council shall have the power and authority to regulate and control the sale in said town of vinous, malt, intoxicating liquors, bitters, or any beverage that will produce intoxication; to grant license to each dealer or firm, fixing the fee for the same, and to impose penalties upon persons selling such intoxicating liquors, beverage or bitters without such license; also to tax and license all fruit, cake, lemonade and other like stands, or any street peddler, and impose fines on persons failing to procure such license.

Sale of liquors, etc.

Street peddling, etc.

Incorporating town of East Point

Duty of mayor. SEC. X. *Be it further enacted*, That the mayor of said town, and in his absence the mayor *pro tem.* (which latter officer shall be selected by the council from one of their number), shall see that the ordinances, by-laws, rules and orders of the council are faithfully executed; and may fine and mprison, or both, persons

Powers of. violating the same. He shall have power to issue executions for all fines, penalties and costs imposed by him, and may require the immediate payment thereof, and in default of such payment may imprison the offender in the guard-house of said town, or compel said offender to work on the streets of said town not exceeding ten days. He shall see that the peace and good order of the town are preserved, and may punish disorderly persons, or

Limit of fines. commit for violation of the penal laws of Georgia. Said fine not to exceed fifty dollars.

SEC. XI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved August 4, 1887.

INCORPORATING TOWN OF EAST POINT.

No. 133.

An Act incorporating the town of East Point, in the county of Fulton, and to appoint aldermen for the same, and for other purposes.

Limits. SECTION I. *Be it enacted by the General Assembly of Georgia*, That the town of East Point, in the county of Fulton, is hereby incorporated, and the limits of said town shall extend from the junction of the rights-of-way of the Central and Atlanta and West Point Railways north from said point three-fourths of a mile, and south five-eighths of a mile, and east and west one half mile from said point, forming a parallelogram one and three-eighths miles long (north and south) and one mile wide (east and west.)

Municipal government. SEC. II. *Be it further enacted*, That the municipal government of said town shall consist of seven (7) aldermen, to be styled the board of aldermen of said town, and L. M. Hill, J. F. Allison, S. L. Holcomb, S. N. Thompson, J. W. Buck, J. B. Moore and Dr. S. A. Taylor are hereby appointed said board, who shall hold their office until February 1st, 1888, or until their successors are elected and qualified as hereinafter named.

Provisional aldermen.

Annual election. SEC. III. *Be it further enacted*, That the successors of said board shall be elected on the first Tuesday in January, 1888, and annually thereafter, at the same time, an election shall be held for board of aldermen of said town, said election to be held and con-

Incorporating town of East Point.

ducted as members of the General Assembly are elected, and laws governing the election of members of the General Assembly are hereby made applicable to the election of said officers for said town, and said board, after the first Tuesday in January, 1888, shall give notice of said election to the voters of said town. No one shall vote at elections in said town who is not qualified to vote for members of the General Assembly in said county, and who has not resided six months in said town, and who has not paid all taxes due said town.

SEC. IV. That said town shall elect one of their number as chairman, and shall have power to elect a marshal, treasurer or any other officer needful to govern said town, and to fill all vacancies that may occur on said board until the next regular election of aldermen, and said officers shall be sworn to faithfully and impartially discharge the duties of their office, which oath shall be filed and entered upon the minutes of said board. The marshal shall be the only paid officer.

SEC. V. *Be it enacted*, That said board shall be a body corporate under the name and style of the Board of Aldermen for the town of East Point, and shall be capable of suing and being sued, plead and be impleaded in any court of law in this State; shall have power to pass and enact all laws and ordinances which may seem to be proper and just, not repugnant to the laws of this State and the United States, and to punish all offenders by fine not to exceed \$50.00, or imprisonment, or work upon the streets of said town not more than sixty days, and either or all of these penalties may be imposed at the discretion of a majority of a quorum of said board.

SEC. VI. *Be it further enacted*, That said board of aldermen shall have power and authority to levy and collect a tax not to exceed the rate of two dollars (\$2.00) on the thousand on all real and personal property in said town subject to State tax, and to levy and collect a special tax on all shows and exhibitions for gain. They shall also have power to levy a tax, not to exceed \$25.00, on each billiard or like table, ten-pin alley or other games of like character, situated in said town, which may be used for profit.

SEC. VII. *Be it further enacted*, That said board of aldermen shall provide for the working and repairing of streets and sidewalks of said town, and shall require all persons residing within the corporate limits, between the ages of 16 and 50, having resided in said town thirty (30) days, to work on the said streets and sidewalks five (5) days, or pay in money the sum of two dollars and fifty cents (\$2.50) to be applied to said streets and sidewalks. Any person failing to comply with this section shall

Amending Charter of Barnesville.

incur penalty the same as non-performance of road duty under the laws of Georgia.

Chairman
or alder-
men *ex of-
ficio* jus-
tices of the
peace.

SEC. VIII. *Be it further enacted*, That the chairman, or any member of said board of aldermen, shall be *ex officio* a justice of the peace so far as issuing warrants against any offender against the penal laws of this State within the corporate limits of said town, and bind them over to the criminal court, and in default of bond to commit them to the common jail of said county.

SEC. IX. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved August 10, 1887.

AMENDING CHARTER OF BARNESVILLE.

No. 136.

An Act to alter and amend the charter of the town of Barnesville, and the Acts amendatory thereof, so as to provide for the election and fix the term of office of the mayor and aldermen of said town; to confer additional powers on the mayor and council of said town in regard to levying and collecting licenses and taxes therein, and to confer on them certain other powers and privileges.

Annual
elections.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That on the fourth Tuesday in August, 1887, and on the same day thereafter every two years, there shall be elected a mayor in said town, whose term of office shall be two years, and at said election on the fourth Tuesday in August, 1887, there shall be six alderman elected, three of whom shall be elected for the term of one year and three for two years, the voters stating on their ballots the three aldermen chosen for one year and the three for two years, and on the same day, annually, after said first election under this Act, there shall be an election for three aldermen to fill the places of those whose terms expire, who shall hold their office for two years.

Terms of
office.

License
and spec-
ial taxes.

SEC. II. *Be it further enacted*, That in addition to the existing powers of the mayor and council of said town, they shall have the right and are hereby empowered, in addition to the *ad valorem* tax, to levy and collect an annual license or specific tax from any person or persons keeping or running a sale, feed or livery

Extension of Corporate Limits of Columbus.

stable in said town, and from any person or persons exercising any trade, calling or profession in said town, when not prohibited from doing so by the general law of the State; to compel the payment of the same, and to adopt all suitable ordinances and make all necessary restrictions to carry out the powers herein conferred, and prescribe suitable penalties for violations thereof.

SEC. III. *Be it further enacted*, That if the owner or lessee of any property in said town shall neglect, fail or refuse to pave or repair any side walk immediately in front of his, her or their property, or if any person or persons shall fail, neglect or refuse to remove any encroachment on the streets, alleys or sidewalks of the town, placed, built, erected or constructed thereon by such person or persons, after being notified within the time prescribed by ordinance, to repair or pave such sidewalk or to remove said encroachment, then the mayor and council may cause the same done at the expense of such person or persons, whose duty it is by this section to have the same done, and cause the clerk and treasurer of the town to issue execution against such person or persons for such expense, which shall be collected by the marshal in the manner prescribed for the collection of city taxes.

Failure to
pave or re-
pair side-
walks.

Removal
of en-
croach-
ments.

Penalty.

SEC. IV. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be, and are hereby repealed.

Approved August 22nd, 1887.

EXTENSION OF CORPORATE LIMITS OF COLUMBUS.

No. 143.

An Act to provide for the extension of the corporate limits of the city of Columbus, in the county of Muscogee.

WHEREAS, it is desired to extend the corporate limits of the city of Columbus so as to include the territory adjoining said city on the north, lying within the following described boundaries, to wit: Beginning at the northwest corner of the present city limits where the northern boundary of said city intersects the State line on the west bank of the Chattahoochee river, thence running due east along the northern boundary of said city to the northeast corner of the city limits, thence still due east one mile from the original starting point, thence due north one mile, thence due west to the west bank of the Chattahoochee river to a point on the State line, thence south along said west State line to the starting point; therefore,

Preamble.

Bounda-
ries.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the mayor and council of the city of Columbus

Extension of Corporate Limits of Columbus.

Election as to extension in the city. be, and they are hereby authorized to submit to the qualified voters of said city, at an election to be held at such time and in such manner as said mayor and council may prescribe, the propriety of such extension.

Election in territory affected. SEC. II. *Be it further enacted,* That the Ordinary of said county shall submit to the qualified voters residing within said proposed extension the propriety of such extension by ordering an election to be held on the same day as said city election, at some central and convenient place by him designated, within said proposed extension, to be presided over by three freeholders therein residing, to be appointed and sworn by said Ordinary, at which election those may vote who have continuously resided within said proposed extension for three months immediately previous to said election, and who are otherwise qualified to vote for members of the General Assembly. The managers of said election shall count the ballots cast thereat and they, or a majority of them, shall forthwith certify the result to the Ordinary, and shall deliver to him the ballots and a list of voters; the ballots shall be numbered and a list of voters and tally sheets shall be kept as in other elections. Persons residing within said territory proposed to be annexed, who have registered at the last general registration in said county, shall not be required to do so again to enable them to vote. Those who have not registered may do so before the Ordinary as registrar, who shall open a book for that purpose at his office at least twenty days before said election, and close the same at least ten days before; said registration shall be conducted under the same rules as the general registration, so far as in the opinion of the Ordinary the same can be made applicable, the expense thereof to be paid by the city. No one shall vote in said annexed territory who has not registered at said general registration, or who shall not register at the supplemental one herein provided for, and any one voting therein at this election without having registered, or who is not qualified to vote thereat, shall be deemed guilty of illegal voting, and on conviction shall be punished as prescribed in section 4310 of the Code of 1882.

Conduct of Voters.

Disposition of ballots, etc.

Registry.

Illegal voting.

SEC. III. *Be it further enacted,* That both of said elections, in the city and in the territory, shall be held within not less than thirty nor more than forty five days from the passage of this Act, and ten days previous notice of said election shall be published in a daily newspaper published in said city, and at each of said elections those who favor said extension shall have plainly written or printed on their ballots "For extension," and those opposed thereto shall have plainly written or printed upon their ballots "Against extension." If the majority of the lawful votes cast at either or both of said elections shall be "Against extension," then said corporate limits shall not be extended; but if a

Time for elections.

Notice.

Ballots.

Effect of election.

Incorporating town of Woodbury.

majority of the lawful votes cast at both elections shall be "For extension," then the Ordinary and mayor shall make a joint proclamation of such result, and thereupon the corporate limits of the city of Columbus shall be extended so as to include the territory within the boundaries hereinbefore described, and said extension shall become a part of said city and subject to all the laws and ordinances governing the same.

SEC. IV. *Be it further enacted*, That it shall be the duty of the mayor and council of said city, when said extension shall have been accomplished, to cause to be kept a separate account of all assessments for taxes in said annexed territory, and a separate account of all receipts arising from taxation or otherwise in said annexed territory; and for the period of twenty years from the date of said annexation said mayor and council shall be required to expend in the maintenance and improvement of said annexed territory and in the protection of the same, and in the establishment of public schools therein, only such sums as may arise from taxation or otherwise in said territory, unless in the discretion of said mayor and council a greater sum may be desired to be so expended from the general treasury of said city.

Separate
account of
tax assess-
ments, etc.

Receipts to-
be applied,
how.

SEC. V. *Be it further enacted*, That no cemetery shall ever be located in or extended over any part of said annexed territory.

No ceme-
tery in new
territory.

SEC. VI. *Be it further enacted*, That it shall be the duty of the mayor and council of said city, as soon as practicable after such extension shall be effected, to create and define two city wards within said extension, with power of representation in council as other wards of said city, and said wards may thereafter be altered or increased as may be just and equitable, and the qualified voters within said extension shall be entitled to vote at the first city election held after said extension, and at the elections held thereafter.

New
wards, etc.

SEC. VII *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed

Approved September 2, 1887.

INCORPORATING TOWN OF WOODBURY.

No. 153.

An Act to incorporate the town of Woodbury, Meriwether county, Georgia; to provide for a town council and prescribe their powers and duties, and for other purposes connected therewith.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same*, That J. M.

Incorporating town of Woodbury.

Provisional officers. Hooten, T. J. Williams, J. T. Dixon, A. B. O'Hara and Robert T. Powell, and their successors in office be, and they are hereby appointed councilmen, and made a body corporate under the name and style of the Town Council of Woodbury, and by that name have perpetual succession, with power to sue and be sued, plead and be impleaded, and do such acts as may be authorized under the laws of Georgia.

Corporate name.
General powers.

Term of first council. SEC. II. *Be it further enacted*, That the above-named councilmen shall hold their office until the first Wednesday in January, 1888, and until their successors are elected and qualified; and
Vacancies. should a vacancy occur in said council by death, resignation or otherwise, an election may be ordered by said council, or by five freeholders residing in said town, to fill such vacancy; *Provided*, notice of said election shall be posted at two or more public places in said town for at least ten days. Such election shall be held under same rules and regulations as set forth in the next section of this Act.

Annual elections.

Qualifications of voters.

Management of election, etc.

Terms.

Vacancies.

SEC. III. *Be it further enacted*, That on the first Wednesday in January, of each and every year, an election shall be held at such place, within the corporate limits of said town, as the managers of said election may think convenient, for five councilmen to serve one year next after their election, and until their successors are elected and qualified, at which election all persons who shall have been residents of said town for ninety days immediately preceeding said election, who are entitled to vote for members of the General Assembly of this State, shall be entitled to vote for said councilmen; *Provided*, they shall have paid all legal taxes due by them to said corporation which they have had five days in which to pay, and said election shall be managed by three free-holders, residents of said town, and the five persons receiving the highest number of votes cast at the election shall be declared duly elected for the term of one year, or until their successors are elected and qualified. All vacancies occurring in said council shall be filled as provided in the second section of this Act.

Limits.

SEC. IV. *Be it further enacted*, That the corporate limits of said town shall be one-half mile in every direction from the point of intersection of the four original streets, and shall also include the tract of land surveyed and laid off into lots and streets by E. N. Wise, in 1886, under the direction of the Panola Land and Improvement Company.

Chairman and other officers.

SEC. V. *Be it further enacted*, That said town council shall, at its first meeting after their election and qualification, elect from their own number a presiding officer to be styled the chairman

Incorporating town of Woodbury.

of council, and shall also elect a clerk, treasurer and marshal, who shall hold their office during the pleasure of the council, and said treasurer shall be required to give bond in such sum as the council may direct, for the faithful performance of his duties.

Bond of
treasurer.

SEC. VI. *Be it further enacted*, That the councilmen of said town, before entering upon their duties of office, shall take oath before some person authorized to administer oaths, faithfully and impartially to discharge the duties of their office, and a majority of said council shall constitute a quorum for business, and shall have power to fix, annually, the salary of the officers of said town; to levy and collect a tax on all the property within said town, not to exceed one hundred per cent. of the State tax; to levy and collect such tax on business occupations, theatrical exhibitions, or other performances exercised, performed or exhibited within the corporate limits of said town, and to fix such license on circuses, menagerie shows, including all shows of domestic or wild animals, as may be deemed proper; to cause to be worked all streets, roads and alleys in said town, by all persons resident therein subject to road duty under the laws of this State, and to fix a commutation tax to be paid by all such persons in lieu of working on such streets; to establish and open new streets in said town as the public interest may require; to make all ordinances, rules and regulations as they may deem necessary for the proper government of said town, not inconsistent with the laws of this State, and to preserve the good order and health of said town; to abate all nuisances within the corporate limits of said town; to establish markets, and regulate all butcher-pens, tan-yards, livery-stables, blacksmith shops, forges, stoves and chimneys in said town, and remove the same, or any of them, in case they should become dangerous or injurious to the health or property of any citizen of said town; to try offenders for violations of the ordinances, rules and regulations prescribed for the government of said town, and may punish violations of the same by a fine not to exceed twenty-five dollars, imprisonment not to exceed thirty days, to work on the streets of said town not to exceed thirty days, and any one or more of these punishments may be ordered in the discretion of said council; and when in session or sitting as a court, said council may fine for contempt not exceed ten dollars, or imprisonment five days for such contempt.

Oath of of-
fice.

Quorum.
Salaries.
Taxes.

Streets, etc.

Ordinan-
ces, etc.

Nuisances.
Markets,
etc.

Offenders
against or-
dinances.

Contempt.

SEC. VII. *Be it further enacted*, That said council shall require their clerk to keep a complete record of minutes of all their proceedings, and require their treasurer to keep an itemized statement of all money received by him from every source, when and to whom paid, and to take and file his vouchers for all such payments, and to keep open for the inspection of any citizen of said town all books and records.

Minutes,
etc.

SEC. VIII. *Be it further enacted*, That it shall be the duty of the marshal, after the taxes have been levied and assessed, to col-

Incorporating town of Woodbury.

Collection of taxes. lect the same and if not paid on demand of the marshal, the chairman of the council shall issue his execution for said taxes and the marshal shall levy and sell thereunder in like manner and under the same regulation as the officers of this State are now authorized to levy and sell under executions, except when personal property is levied on, the sale may be had and made in same manner as constable's sales are now made, and the taxes, when levied and assessed as above provided, shall have a lien on the property so levied on and assessed prior to all other liens except for State and county taxes, and shall rank next to them.

Lien of. SEC. IX. *Be it further enacted*, That for a failure to work on the streets when notified, the offender subjects himself to a fine not to exceed two dollars per day or be imprisoned, at the discretion of the council, not to exceed five days for each day he fails to work, unless he will pay the commutation tax imposed by the council. The fine contemplated in this section, and all other fines imposed by said council, shall be collected by said marshal in same manner as executions for the municipal taxes are collected.

Failure to work streets. SEC. X. *Be it further enacted*, That any member of the council shall have the same jurisdiction and authority as have justices of the peace of the State to bind over any offenders that may be brought before any member of the council, when it shall appear that the offence is a violation of any State law committed within the corporate limits of said town.

Collection of fines. SEC. XI. *Be it further enacted*, That said councilmen shall receive no pay for their services in any manner whatever, except that they shall be exempt from street or road duty.

Compensation of councilmen. SEC. XII. *Be it further enacted*, That all of the powers and duties contained in sections 786, 787, 788, 789, 790, 791, 792 and the Act approved September 29th, 1881, and codified in the Code of 1882 as section 786 (a), and the Act approved September 28th, 1881, and codified in the Code of 1882 as section 786 (b) and 786 (c), whenever the same do not conflict with this Act, are hereby adopted and made part of this Act.

General municipal powers. SEC. XIII. *Be it further enacted*, That nothing in this Act shall be construed so as to repeal, alter or amend the Act prohibiting the sale of spirituous liquors, alcoholic bitters or medicated bitters of any kind or name whatever in any quantity less than five gallons within two miles of Woodbury, approved February 26th, 1877, and printed on page 193 of the Acts of 1877.

Liquors, etc. SEC. XIV. *Be it further enacted*, That all laws and parts of laws conflicting with this Act be, and the same are hereby repealed.

Approved September 5th, 1887.

AMENDING CHARTER OF TOWN OF SALT SPRINGS.

No. 155.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the town of Salt Springs, in the county of Douglas, and to provide for a mayor and council for said town, and to confer certain powers and privileges upon the mayor and council thereof, and for other purposes, so as to extend the corporate limits of said town, and to give certain other powers to the mayor and council of said town, said Act, approved December 21st, 1886, so as to change the corporate limits of said town so as to remove the corporate limits of said town from the entire lands of J. B. Humphries, a citizen of Cobb county, or so much of the land of the said J. B. Humphries as lies within the county of Douglas, and within the corporate limits of Salt Springs. The corporate limits to be removed from the following lands: Commencing at the corner between Bowden's, Humphries' and Love's land, and running due west on the line of Bowden's and Humphries' land to the line of Bowden Lithia Springs, on to C. B. Love's land, thence north to line between Douglas and Cobb counties, thence east on the line between Douglas and Cobb counties to Spring street, thence southeast along line between the line of D. K. Love and J. B. Humphries' land to the beginning corner.

Purpose of Act.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, that an Act of the General Assembly of the State of Georgia, approved on 21st of December, 1886, and which is an Act to amend an Act entitled an Act to incorporate the town of Salt Springs, in the county of Douglas, and to provide for a mayor and council of said town, and confer certain powers and privileges upon the mayor and council thereof, and for other purposes, so as to extend the corporate limits of said town, and to give certain other powers to the mayor and council of said town, be, and the same is hereby amended by striking out and repealing the first section of said Act, and inserting in lieu thereof the following section, which shall read as follows, to-wit: "The corporate limits of said town of Salt Springs shall be as follows: Beginning at a point in the centre of the main line of the Georgia Pacific Railway, three-fourths of a mile west of the depot on said railway, in the town of Salt Springs, thence extending east along said railway one-half mile on each side of the road-bed of said railway to said depot, thence along

First section of Act of Dec. 21, 1886, repealed.

New corporate limits.

New Charter for Greenville.

Corporate
limits re-
moved
from lands
of J. B.
Humph-
ries.

the Salt Spring and Bowden Lithia Railroad the same width of one-half a mile on each side of the road-bed of said railroad until the lands of J. B. Humphries, a citizen of Cobb county, are reached on the north of said railroad, thence the line of the corporate limits of said town on the north, northeast and east of said railroad shall be the line between the lands of said J. B. Humphries and C. B. Love and the lines between the lands of said J. B. Humphries and John C. Bowden, following said lines until the eastern boundry of the corporate limits of said town is reached, thence south until the south line of the corporate limits of said town, as indicated in the Act of December 21st, 1886, is reached, which shall remain unchanged so as to remove the corporate limits of said town from the following lands of said J. B. Humphries, to-wit: beginning at the corner between Bowden's, Humphries' and Love's land, and running due west on the line of Bowden's and Humphries' land to the line of Bowden Lithia Spring on to C B Love's land, thence north to line between Douglas and Cobb counties, thence east on the line between Douglas and Cobb counties to Spring street, thence southeast along the line of D. K. Love's and J. B. Humphries' land to the beginning corner, and making the corporate limits of said town in all respects the same as described in said Act of December 21st, 1886, except that the corporate limits of Salt Springs are removed from the land of J. B. Humphries, lying within the corporate limits of Salt Springs, in Douglas county,

SEC. II. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 8th, 1887.

NEW CHARTER FOR GREENVILLE.

No. 169.

An Act to consolidate, amend and supersede the Acts incorporating the town of Greenville, in the county of Meriwether; to provide for mayor and councilmen, define their powers and duties, repeal conflicting laws, and for other purposes.

Former
charter re-
pealed.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, that the Act incorporating the town of Greenville, entitled "An Act to extend and define the corporate limits of the town of Greenville, in the county of Meriwether; to provide for the election of intendant and commissioners for the

New Charter for Greenville.

same; to define their powers, and for other purposes therein named," approved January 14th, 1852, and the Act amending said incorporating Act, approved September 14th, 1881, and all other Acts amendatory of said incorporating Act, except the Act regulating the sale of liquors in said town of Greenville, approved September 8th, 1881, and the Act amending said last named Act, approved December 22, 1884, be, and the same are hereby repealed, and the following shall be the charter of the town of Greenville, in the county of Meriwether.

Except as
to sale of
liquors.

SEC. II. *Be it further enacted*, That the town of Greenville shall continue to exist, but is hereby constituted a city under the name and style of the Mayor and Council of the City of Greenville, and the corporate limits of said city shall extend one-half mile in every direction from the court-house, except on the north, and it shall extend in that direction on the Newnan road to the foot of the hill south of the first branch, and thence east and west to the original corporation line, and the inhabitants shall not be subject to work on the roads outside the corporate limits of said city, and the streets and public roads shall be under the control of said mayor and council.

Corporate
name
changed.

Corporate
limits.

Control of
streets and
roads.

SEC. III. *Be it further enacted*, That the government of said city shall be vested in a mayor and four councilmen, and until the expiration of the term of office for which the intendant and commissioners now in office were elected, said intendant shall be mayor and said commissioners shall be councilmen; and should a vacancy occur by death, resignation or otherwise, before the expiration of either of said officer's term of office, then, and in that event, an election shall be held to fill or supply said vacancy, or unexpired term, as is hereinafter provided for a vacancy in the office of mayor or councilmen.

Mayor and
council.

Provision-
al govern-
ment.

Vacancies.

SEC IV. *Be it further enacted*, That from and after the passage of this Act, the mayor and councilmen shall be elected on the first Wednesday in April of each and every year, and hold their respective offices for the term of one year next thereafter, and until their successors are duly elected and qualified. Said election shall be held under the same rules and regulations, so far as applicable, that govern elections for county offices; but the returns thereof shall be made to the Ordinary of said county, and all contests concerning the same shall be before said Ordinary and determined by him as in other cases of contest, but no such contest shall be allowed or heard by him, unless begun within five days after the election; and the managers of such election shall issue certificates of election to such persons as shall receive the highest number of votes. No person shall be eligible to either of said offices, nor qualified to vote at such election,

Election of
officers.

Term.

Conduct of
elections.

Returns.

Contests.

Result of
election.

New Charter for Greenville.

Qualifica-
tions for
office and
of voters.

Failure to
hold elec-
tion.

Vacancies.

Oath of of-
fice.

General
powers.

who shall not, at the time he is elected or offers to vote, be qualified to vote for members of the Legislature, and have been a *bona fide* citizen of said city six months next prior thereto, and shall have paid all taxes to the authorities of said city, and performed all street work which shall have been lawfully required of him. And if said election should not be held on the day herein appointed, it may be held on any other day; *Provided*, ten days' notice of such election shall be given in two public places in said city, by five freeholders thereof, and all vacancies occurring in either of said offices by death, resignation or otherwise, shall be filled by election, after notice given as above prescribed under the same rules and regulations as above provided for the election on the first Wednesday in each and every April.

SEC. V. *Be it further enacted*, That before entering upon their official duties said mayor and councilmen shall each be sworn faithfully and impartially to discharge the duties of his office to the best of his ability, and they shall constitute a body corporate under the name and style of the Mayor and Council of the City of Greenville, and by that name and style shall have perpetual succession, with power to sue and be sued in the courts of the State, to purchase, hold and convey property, and to contract and be contracted with so far as may be necessary to the proper management of the affairs of said city, and make all ordinances, rules and regulations necessary for the proper government of said city, not inconsistent with the laws of this State; to preserve the good order and health of said city; to open and lay out such new streets in said city as the public interest may require; to widen and straighten, or otherwise change the streets, lanes, alleys or sidewalks in said city; to lay off, open, close up, curb, pave, drain and bridge, when necessary, and keep in good order and repair the roads, streets, bridges, sidewalks, alleys, drains and gutters, and to remove all obstructions or nuisances from the same; to regulate and control all taverns and public houses; to establish markets, and regulate all butcher-pens, tanyards, livery stables, blacksmith shops, forges, stoves and chimneys in said city, and remove the same or any of them in case they should become dangerous or injurious to the health or property of any citizen of said city, and to remove or abate any other thing that may be deemed by them to be a public nuisance and destructive to the health, peace and quiet of said city; to protect places of public worship; to regulate the keeping of gunpowder and other combustibles; to provide cemeteries for the burial of the dead, and regulate interments therein; to make regulations for guarding against fire; to organize and equip fire companies; to fix

and establish fire limits, and from time to time to enlarge or restrict the same, and prescribe what kind and class of building shall not be constructed within said limits; to fill open wells or other excavations on unenclosed premises; and the said mayor and council shall also have entire and absolute control and jurisdiction of all soil-pipes, private drains and sewers, water-closets, privy-vaults and dry wells in said city, with full power to prescribe their location, structure, uses and preservation, and to make such regulations concerning them in all particulars as may seem best for the preservation of the health of the inhabitants of said city; and with power also to require changes in, or the total discontinuance of any of such contrivances and structures already in existence, or that may hereafter be allowed, and to compel the owners of property to convey the water from house-tops by means of guttering or otherwise, to sewerage pipes; *Provided*, said sewerage pipes are lain within fifteen feet of the building required to be guttered.

SEC. VI. *Be it further enacted*, That said mayor may hold police courts, try offenders for violation of the ordinances, rules and regulations prescribed for the government of said city, and may punish violators of the same by a fine not to exceed fifty dollars, imprisonment not to exceed thirty days, to work on the streets of said city not to exceed thirty days, and any one or more of these punishments may be ordered in the discretion of said mayor. And when sitting as a court, said mayor may fine for contempt not exceeding ten dollars or imprisonment five days for such contempt. From all decisions of said mayor imposing punishments or penalties for violations of such ordinances, rules and regulations there may be an appeal to the mayor and council upon such terms as may be prescribed by said mayor and council.

SEC. VII. *Be it further enacted*, That said mayor and council may appoint a clerk, treasurer and marshal, and prescribe their duties, not inconsistent with this Act and the laws of this State, and shall provide and take such bonds from said officers as may be necessary for the faithful performance of the duties of their officers, and fix their compensation. Said mayor and council are authorized to appoint a tax assessor, or assessors, should more than one be required, to assess the taxable property of said city and perform such other service as may be required in connection with said office, fix the compensation of such assessor and require a bond for the faithful performance of his duties; *Provided*, that nothing in this Act shall disqualify one person from holding the offices of clerk, treasurer and assessor at the same time.

Police courts.

Subordinate officers.

Bonds.

Compensation. Tax assessor.

Bond and compensation. One person may hold two or more offices.

New Charter for Greenville.

Ad valorem tax. SEC. VIII. *Be it further enacted*, That said mayor and council shall have full power and authority to assess, levy and collect such taxes upon the real and personal property within the corporate limits of said city, as they may deem necessary for the support and government of said city; *Provided*, that the tax so assessed shall not exceed the amount of the State tax; also to levy and collect such tax on business occupations, theatrical exhibitions or other performances, exercised, performed or exhibited within the corporate limits of said city, and fix such license on circuses, menagerie shows, including all shows of domestic or wild animals, as may be deemed proper.

Special taxes

Disputed assessment.

SEC. IX. *Be it further enacted*, That should any property owners be dissatisfied with the assessment or valuation placed upon his or their property by the assessor or assessors provided for in the seventh section of this Act, he or they shall have the right to appeal from said assessment to the mayor and council; *Provided*, said appeal shall be made within ten days after the returns of said assessor or assessors shall have been made to said mayor and council.

Mayor pro tem.

SEC. X. *Be it further enacted*, That said mayor and council may choose from their own number a mayor *pro tempore*, who shall in the absence, sickness or disqualification of the mayor and in the case of the absence, sickness or disqualification of the mayor *pro tempore*, a majority of the councilmen shall choose one of themselves to act as mayor temporarily.

Salary of mayor.

Exemption from street duty.

SEC. XI. *Be it further enacted*, That the mayor shall receive such pay and compensation as the mayor and council may fix; *Provided*, the same does not exceed the sum of one hundred dollars per annum. Said mayor and councilmen and their officers shall be free from street duty during their term of office.

Street work.

SEC. XII. *Be it further enacted*, That said mayor and council may require and compel the persons residing within the limits of said city, subject by law to road duty, to work on the streets and walks of said city not to exceed fifteen days in each year; but may receive in lieu thereof, to be expended upon said streets, a commutation tax from such persons, not to exceed five dollars

Ordinances, etc.

SEC. XIII. *Be it further enacted*, That said mayor and council are hereby authorized and empowered to make all ordinances, rules and regulations that they may deem proper to enforce the duties, powers, rights and privileges herein contained.

Property of the corporation. Existing ordinances, etc., retained.

SEC. XIV. *Be it further enacted*, That all the property now owned by said town and vested in said intendant and commissioners, shall be and remain the property of said city, and become vested in said mayor and council. And all ordinances, rules and regulations now of force in said town, and not inconsistent with

Extending limits of Atlanta over Piedmont Park.

this Act, shall be and remain of force until amended, altered or repealed by said mayor and council.

SEC. XV. *Be it further enacted*, That all of the powers and duties contained in sections 786, 787, 788, 789, 790, 791, 792, and the Act approved September 29th, 1881, and codified in the Code of 1882 as section 786 (a), and the Act approved September 28th, 1881, and codified in the Code of 1882 as sections 786 (b) and 786 (c), whenever the same do not conflict with this Act, are hereby adopted and made part of this Act. General municipal powers conferred.

SEC. XVI *Be it further enacted*, That nothing in this Act shall be construed so as to repeal or amend the Act regulating the sale of liquor in Greenville, approved September 8th, 1881, and the Act amendatory of said Act, approved December 22d, 1884, except that whenever the word "intendant" occurs in the two last named Acts that the same is hereby stricken and the word "mayor" inserted, and that whenever the word "commissioners" occurs in the same, that it is hereby stricken and the word "councilmen" inserted. Sale of liquor, etc.
Amendment of Acts as to

SEC. XVII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 12, 1887.

EXTENDING LIMITS OF ATLANTA OVER PIEDMONT PARK.

No. 175.

An Act to extend the corporate limits of the city of Atlanta over Piedmont Park for police purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same*, That the corporate limits are hereby extended so as to embrace for police purposes that tract or parcel of land known and designated as Piedmont Park, being one hundred and eighty-three acres of land lots 54 and 55, in the 17th district of Fulton county, owned by the Gentlemen's Driving Club and used for park purposes, and the mayor and general council of said city are hereby empowered to pass such ordinances for the preservation of peace and good order, and for the protection of property within said limits, as may seem to them proper. Piedmont Park embraced in limits for police purposes.
Ordinances, etc.

SEC. II. *Be it further enacted*, That all laws or parts of laws in conflict herewith be, and the same are hereby repealed.

Approved September 13th, 1887.

AMENDING CHARTER OF BLAKELY.

No. 179.

An Act to amend “an Act to incorporate the town of Blakely, in the county of Early, and State of Georgia, appointing commissioners for the same, and for other purposes,” approved October 24th, 1870, so as to create the office of mayor of said town, and define his qualifications, duties and powers, and the manner of his election, also to grant to the mayor and commissioners of said town the authority to grant license and to levy a general tax for general purposes, and a special tax for special purposes, and to provide for submitting the special tax to a vote of the tax-payers of said town; also to provide for said town to hold, by gift or purchase, lands for certain purposes therein defined, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, the above-recited Act be, and the same is hereby amended by adding after the fifth section thereof the following sections, to be known as sections 7, 8, 9 and 10, to-wit:

SEC. VII. *Be it further enacted by the authority of the same,*

Mayor. That there shall exist in said town of Blakely the office of mayor. Said mayor shall be elected and qualified annually at the same time and in the same manner as commissioners of said town are now elected, and any person

Election. qualified to hold the office of commissioner shall be qualified to hold the office of mayor. Said mayor, together with said com-

Qualifications. missioners, shall compose the common council of said town. The

Council. mayor, when present, shall preside at all meetings of

Vote of mayor. said council, but shall have no vote except there be a tie, when

Mayor pro tem. he shall cast the deciding vote. In his absence, any member of the council shall preside who may be selected for that purpose.

Police court. Said mayor shall hold a police court at any time, except Sunday, for the trial of offences against the ordinances and by-laws of said

Witnesses, etc. town. He shall have power to compel the attendance of parties and witnesses, order, arrest and punish for contempt of court by fines and imprisonment, or both, in either the regular or called meeting of said council. He shall have power, at a police court, to punish all persons found guilty of violating any of the laws or ordinances of said town by fine or imprisonment, or both—by fine not to exceed one hundred dollars, or imprisonment not to exceed thirty days, or both, in his discretion, as may be fixed by the

Amending Charter of Blakely.

by-laws and ordinances of said town. He shall sign all Ordinances, rules and by-laws enacted by said common council, and cause the same to be spread upon the journal of said council. He shall have power to hear and determine all cases of nuisance in said town, and to abate the same, the rules for hearing the same to be determined by said council. Said mayor shall have such salary as may be fixed by said council the year preceding the one for which he is elected, and which shall not be altered during his term of office; and all the duties and powers exercised by said mayor shall be exercised by any member of said council, who shall be selected by said council for that purpose, when for any cause said mayor cannot preside.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That said council shall cause to be annually made up and entered upon its journal or minutes an accurate estimate of all sums which are, or may be lawfully charged on said town, and which ought to be paid in one year; and it shall order a levy of so much as may, in the opinion of such council, be necessary to pay the same. The levy so ordered shall be upon all dogs in said town, and upon all the real estate and personal property therein subject to State and county tax; *Provided*, that no tax shall be levied except for the ordinary expenses of said town unless the same be first submitted to the vote of the tax-payers of said town who are legal voters thereof, and should two thirds of all the votes cast at such election be in favor of the levying of such tax, then the same shall be levied; but if two-thirds of said voters do not vote for such tax, then it shall not be levied.

SEC. IX. *Be it further enacted by the authority aforesaid,* That said town council shall have power to license the sale of spirituous, malt or intoxicating liquors, and fix the license fee for the same, and to regulate the manner in which bar-rooms, saloons, hotels, private boarding houses, livery stables, public transportation through said town, photographers, ambrotype and daguerrean artists and auctioneers shall be taxed, and in addition to the *ad valorem* tax provided for in this Act, they shall levy on all billiard tables, ten-pin or nine-pin alleys and tables, and tables of every other kind used for purpose of playing on with pins, or balls, or both, within said town, and on all contrivances of whatever kind used for playing, such license as said council may prescribe; also, all shows taxed by the laws of this State which may exhibit in said town.

SEC. X. *Be it further enacted by the authority aforesaid,* That in all cases where, by the ordinances of said town, a license tax is required of any person, it shall be lawful for said council to prescribe the manner in which the same shall be collected, and in case of delinquency, they shall have power to issue execution or punish as for a contempt, as shall be prescribed by said council.

Incorporating town of Bartow.

SEC. XI. *Be it further enacted by the authority of same,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed

Approved September 20th, 1887.

INCORPORATING TOWN OF BARTOW.

No. 182.

An Act to incorporate the town of Bartow, in the county of Jefferson; to grant certain powers and privileges to the same, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia* That the town of Bartow, in the county of Jefferson, be, and the same is hereby incorporated as a town under the name of the town of Bartow. The corporate powers of said town shall be vested in a mayor and five councilmen, and by the name of the Mayor and Council of the Town of Bartow, they may sue and be sued, plead and be impleaded, and exercise all other corporate powers that may be necessary in performing their duties.

Corporate name.
Govern-
ment.
General powers.

Corporate limits.

SEC. II. *Be it further enacted by the authority aforesaid,* That the corporate limits of said town shall extend three-fourths of one mile in every direction from the depot of the Central Railroad and Banking Company, in said town.

Provisional government.

SEC. III. *Be it further enacted by the authority aforesaid,* That John A. McMillan be, and he is hereby appointed mayor, and W. H. H. Stewart, W. J. Evans, J. H. Rhodes, N. T. Harmon and W. M. Speir, be, and they are hereby appointed councilmen of said town of Bartow, to hold their offices until the first annual election, as hereinafter provided.

Election of officers.

Term.
Qualifications for office and of voters.

Conduct of election, etc.

Vacancies.

SEC. IV. *Be it further enacted by the authority aforesaid,* That on the second Monday in January, 1888, and annually thereafter on the same day, an election shall be held in the council chamber in said town for a mayor and five councilmen, who shall hold their offices for one year and until their successors are elected and qualified; but none shall vote for or be eligible to the office of mayor or councilman of said town who does not reside within the corporate limits thereof, and who is not qualified to vote for members of the General Assembly of this State. Said election shall be held and conducted in the same manner as elections for county officers in this State, and the certificate of the managers shall be sufficient authority to the persons elected to enter on the discharge of the duties of the office to which they have been elected. In the event that the mayor, or any member of the

Incorporating town of Bartow.

board of councilmen, shall die, resign or be removed from office, there shall be an election ordered to fill the vacancy, which shall be done by the mayor, or in case there is no mayor by a majority of the councilmen, upon ten days notice in writing in two of the most public places in said town, which election shall be held and conducted as aforesaid.

SEC. V. *Be it further enacted*, That before entering on the discharge of their duties, the mayor and council shall subscribe the following oath, which may be administered by any officer authorized by the laws of this State to administer oaths, to-wit: "I do solemnly swear that I will faithfully discharge all the duties devolving on me as mayor (or councilman as the case may be) of the town of Bartow, Jefferson county, to the best of my ability and understanding. So help me God." Oath of office.

SEC. VI. *Be it further enacted*, That said mayor and councilmen shall have power and authority to pass all laws and ordinances that they may deem necessary for the government of said town and protection of property, not repugnant to the Constitution and laws of this State and of the United States. Ordinance, etc.

SEC. VII. *Be it further enacted by the authority aforesaid*, That said mayor and councilmen shall have power to levy and collect a tax not exceeding one-half of one per centum upon all property, both real and personal, within the corporate limits of said town, and the same may be enforced by executions issued by the clerk, in the name of the mayor; all levies to be made by the marshal of said town, and sales made by him and conducted in the same way and under the same regulations as sheriffs' sales under tax executions. They shall also have power to require all persons within said corporate limits, who are subject to road duty under the laws of this State, to work on the streets of said town, or they may prescribe a commutation tax which may be paid in lieu of work on the streets. Ad valorem tax
Street working.

SEC. VIII. *Be it further enacted*, That the mayor of said town, and in his absence, the mayor *pro tem.* (who shall be elected by the councilmen from their own number), shall be the chief executive officer of said town. He shall see that the ordinances, by-laws, rules and orders of the council are faithfully executed. He shall have control of the police of said town, and may appoint special police whenever he may deem it necessary, and it shall be his duty especially to see that the peace and good order of the town are preserved, and that persons and property therein are fully protected, and to this end he may cause the arrest and detention of all rioters or disorderly persons in said town. He shall have power to impose fines not exceeding fifty dollars upon offenders, or imprisonment not exceeding thirty days, or both, in his discretion. Mayor and mayor pro tem.
Duties and powers of.

Incorporating Town of Loganville.

Subordi-
nate offi-
cers.

SEC. IX. *Be it further enacted*, That said mayor and councilmen, at the first meeting after the passage of this Act, and at their first meeting after each annual election, shall elect a clerk from their own number, and also a treasurer from their own number, and also a marshal, who shall be a citizen of said town. The treasurer and marshal shall each give a

Bond.

bond in an amount to be fixed by the mayor and councilmen, to be approved by the mayor and made payable to him, and conditioned for the faithful performance of their duties.

Salaries.

SEC. X. *Be it further enacted*, That the marshal and treasurer shall receive such salaries as the mayor and council shall deem just and proper. The mayor and council (except the treasurer) shall not receive any salaries, but the mayor and every member of council shall be exempt from street tax during their term of office.

Special
axes.

SEC. XI. *Be it further enacted*, That said mayor and council shall have power and authority to tax all shows, auctioneers, sleight-of-hand performances, gift enterprises, pool and billiard tables, wheels of fortune and other like enterprises, as they may deem to the interest of the town.

Sale of
liquors.

SEC. XII. *Be it further enacted*, That said mayor and council shall have the power to regulate and control the sale of vinous, malt, intoxicating liquors or bitters, or any beverage that will produce intoxication, in said town; to grant license to each firm or dealer in said town; to fix a fee for said license, and impose penalties upon any person selling such intoxicating liquors, bitters or beverages in said town, without such licenses, subject to existing laws.

Business
licenses.

SEC. XIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 20, 1887.

INCORPORATING TOWN OF LOGANVILLE.

No. 191.

An Act to incorporate the town of Loganville, in the county of Walton, and to grant certain powers and privileges to said town, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the town of

Incorporating Town of Loganville.

Loganville, in the county of Walton, be, and the same is hereby incorporated under the name of the Town of Loganville; that the municipal government of the town of Loganville shall be vested in a mayor and five councilmen, who are hereby constituted a body corporate under the name and style of the Corporation of the Town of Loganville, and by that name and style shall have perpetual succession, and shall have a common seal, and be capable in law and equity to purchase, have, hold, receive and enjoy, possess and retain to them and their successors for the use of the town of Loganville any estate, real or personal, of whatever kind or nature, and shall by the same name be capable to sue and be sued in any court of law or equity in this State, and to sell, alien or lease any estate, real or personal, the property of or belonging to said incorporation, or convey the same, or any part thereof, in any manner or way whatever; that the corporate limits of the town of Loganville shall extend one-half mile in every direction from the spot where the front door of the justice of the peace court-house now stands in said town, it being the court-house of the 417 District G. M. of said county.

Corporate name. Government.

General powers.

Corporate limits.

SEC. II. *Be it enacted by the authority aforesaid*, That C. C. George be, and he is hereby appointed mayor of said town, and R. A. Hammons, John R. Wilson, John J. Floyd, W. H. Braswell and Edward R. Floyd be, and they are hereby appointed councilmen of said town, to hold their offices until the first annual election in said town in the year 1887, and until their successors are elected and qualified, the above-named officers to enter upon the duties of their offices immediately after the passage of this Act.

Provisional government.

SEC. III. *Be it further enacted*, That an election shall be held in the court-house in said town, or such other place as the mayor of said town shall direct and designate, on the first Monday in January, 1888, and on the first Monday in January in each year thereafter, for a mayor and five councilmen, who shall hold their offices for one year or until their successors are elected and qualified; and should there fail to be an election in said town at the time above specified from any cause whatever, the mayor of said town shall order an election held in said town by posting a notice in three public places. Said notice shall be posted ten days before said election. The polls at said election shall not be opened before nine o'clock a. m., and shall be closed at 3 o'clock p. m. The qualifications of voters at said election shall be such as are required for electors to the General Assembly, and in addition thereto, residence within the corporate limits of said town for thirty days next preceding the election and the payment of all legal taxes required of them by said incorporation.

Elections of officers

Terms.

Failure to hold election.

Opening and closing polls.

Qualifications of voters.

Incorporating Town of Loganville.

SEC. IV. *Be it further enacted*, That said election shall be held under the superintendence of a justice of the peace and two free-holders, or of three free-holders, as the council may direct, said free-holders to take an oath for the due and legal performance of their duties as such superintendents, and to have all the powers incident to superintendents of elections in this State. In case the managers shall have any reasonable doubts as to the qualifications of any voter, or should any vote be challenged, they shall administer the following oath: "You do swear that you are a citizen of the State of Georgia, that you have attained the age of twenty-one years, that you have resided one year in this State and for the last thirty days within the corporate limits of the town of Loganville, and have paid all taxes legally required of you by said town of Loganville. So help you God."

Conduct of
election,
etc.

SEC. V. *Be it further enacted*, That the superintendents of said election shall conform to the laws governing elections in this State, in so far as they are applicable to said elections, and shall duly declare the result of said elections, and shall issue certificates of election to such persons as receive the highest number of votes polled, who shall, within five days from said election, qualify by taking an oath to well and truly perform the duty of their respective offices before an officer authorized in this State to administer oaths; said oaths, with a list of voters, shall be filed with the clerk of council and by him preserved, and shall be entered of record on the minutes of council.

Result of
election,
etc.

Oath of of-
fice.

SEC. VI. *Be it further enacted*, That at the first meeting of said council in each year, they shall choose from their own number a mayor *pro tem.*, who shall, in the absence, sickness or disqualification of the mayor, perform all the duties required of the mayor, and in case of the absence, sickness or disqualification of the mayor and mayor *pro tem.*, a majority of the council shall choose one of themselves to act as mayor temporarily.

Mayor pro
tem.

SEC. VII. *Be it further enacted*, That in case of death, resignation or removal from office, or removal from town, of the mayor, the mayor *pro tempore* shall order an election to fill said vacancy, as is prescribed in section three of this Act (in case of failure to hold an election), and in case of death, resignation, removal from office, or removal from the town of any of the councilmen, the mayor shall order an election to fill such vacancy as prescribed in the third section of this Act, as in case of failure to hold an election.

Vacancies.

SEC. VIII. *Be it further enacted*, That no person shall be eligible under this Act who is no eligible as a voter at the election aforesaid.

Qualifica-
tions for
office.

Incorporating Town of Loganville.

SEC. IX. *Be it further enacted*, That said mayor and council shall have power and authority to elect such marshals and clerk, and treasurer, as they may deem necessary for the purpose of carrying into effect the provisions of this Act, and the power hereby conferred upon them, and to prescribe the fees and pay of such subordinate officers, and to require such bonds for the faithful and due performance of the duties of such officers as they may deem necessary and proper. They shall have power to remove them from office for a breach or neglect of duty, or incapacity to discharge their respective duties. Subordinate officers.

SEC. X. *Be it further enacted*, That said corporation shall have and enjoy all the rights, privileges and powers incident to such corporation, not regugnant to the Constitution of the United States, the Constitution of this State, and the laws made in pursuance thereof; and said corporation, by their mayor and councilmen, shall have full power and authority to enact all ordinances, by laws, rules and regulations necessary for the good government of said town and securing the health of the inhabitants thereof. Ordinances, etc.

SEC. XI. *Be it further enacted*, That the mayor of said town shall hold a police court in said town for the trial and punishment of all violators of the ordinances, by-laws, rules and regulations, the punishment to be inflicted not to exceed a fine of fifty dollars, or by labor on the streets of said town, or public works of said town, not to exceed forty days, or confinement in the calaboose or guard-house of said town not to exceed forty days; in addition thereto, such costs of the proceedings as may be imposed. Said fine shall be collected by execution issued by the clerk of council against the estate, both real and personal, of the offender, if any to be found. Any one or more of the foregoing punishments may be inflicted upon the offender, in the discretion of the court, for each offense. Police court, etc.

SEC. XII. *Be it further enacted*, That the mayor and other officers shall receive such pay and compensation as the mayor and council shall deem proper, but their compensation shall not be increased or diminished during their term of office. Compensation of officers.

SEC. XIII. *Be it further enacted*, That the said mayor and councilmen shall have power and authority to regulate the sale of spirituous, malt and intoxicating liquors in said town of Loganville, to grant license, and to fix the fees for the same where granted, and to impose penalties upon persons selling such liquors without license; *Provided*, such license shall not be less than one thousand dollars per annum on each firm, or business, engaged in such sale in said town. Sale of liquors.

SEC. XIV. *Be it further enacted*, That said corporation shall have full power and authority to assess, levy and collect such taxes upon real and personal estate within the corporate limits of Ad valorem tax.

Incorporating Town of Loganville.

Special
taxes.

said town as they shall deem necessary for the support and government of said town, not inconsistent with the laws and Constitution of this State; also to levy such tax on business occupation, theatrical exhibitions, or other performances exercised or exhibited within the corporate limits of said town, as may be deemed proper, and to fix such licenses on circuses, menagerie shows, including all shows of domestic or wild animals.

Removal
of ob-
structions,
etc.Market,
etc.Other gen-
eral mu-
nicipal
powers.

SEC. XV. *Be it further enacted*, That the mayor and council of said town shall have full power, and authority to remove, or cause to be removed, all buildings, porches, steps, fences, or other obstructions or nuisances in the public streets, lanes, alleys, sidewalks or public squares in said town; if necessary, to establish a market in said town, to regulate all butcher-pens, tanyards, blacksmith shops, forges, stoves and chimneys, steam saw-mills, steam grist-mills and steam gins within said town; and to remove, or cause to be removed, the same, or any of them, in case they should become dangerous or injurious to the health of any citizen of said town, or become a nuisance; and also to fill up all pits, cellars and excavations in said town, or cause the owner to do so, when the council shall deem the same necessary to be done; also to regulate drays, omnibuses, buggies, carriages, wagons and carts owned and kept for use and hire in said town; also full power to regulate and control all pumps, wells, livery stables, fire companies and engines, or any apparatus of like character within said town.

Impound-
ing stock.

SEC. XVI. *Be it further enacted*, That the mayor and council shall have power to take up and impound any horse, mule, cattle, hog, dogs or other animals or fowls running at large in said town, and to pass and enforce all ordinances which they may deem necessary and proper for the regulation and control of all such animals and fowls.

Street
working.

SEC. XVII. *Be it further enacted*, That all males over the age of sixteen years, and under the age of fifty years, who have resided in the town ten days, shall be subject to work the streets of said town, not to exceed ten days in each year, or to be taxed therefor, as the council may direct and determine, as a commutation for such duty, not to exceed five dollars per year. The collection of said sum may be enforced by execution against the party, and said person not be liable to road duty out of said town.

Power over
streets, etc.

SEC. XVIII. *Be it further enacted*, That the mayor and councilmen of said town shall have full power and authority to open and lay out, widen and straighten or otherwise change the streets and alleys of said town, and shall have full power to lay off, vacate, close up, open, alter, curb, pave, drain and keep in good order and repair the roads, streets and bridges, sidewalks, alleys,

Incorporating Town of Loganville.

cross-walks, drains and gutters, for the use of the public, or any citizen thereof; to protect places of public worship, to regulate the keeping of gunpowder and other combustibles; to provide places for the burial of the dead and regulate interments therein; to make regulations for guarding against fire, and to fix and establish fire limits, and from time to time enlarge or restrict the same.

SEC. XIX. *Be it further enacted*, That when the mayor shall be presiding at any police court, or at any meeting of the council, he shall have power to punish for contempt by fine, not exceeding five dollars or imprisonment not exceeding forty-eight hours, for each offense. Contemp

SEC. XX. *Be it further enacted*, That the marshal of said town, or the mayor, may arrest without a warrant any person whom he may see in the perpetration of a violation of ordinances of said town, and bring the offender before the mayor for trial, and to this end may summons any citizen of said town as a *posse* to assist in such arrest. When brought before the mayor a written or printed accusation shall be preferred against the offender in manner and form as follows: State of Georgia, town of Loganville: I, _____, marshal of said town, _____ in the name and behalf of the mayor and councilmen of said town, charge and accuse _____ with the offense (here state the offense) contrary to the laws of this town and the peace, good order and dignity thereof, this the _____ day of _____ 18____, and shall be signed by the marshal, or his deputy or acting marshal as prosecutor, and when such accusation is preferred, the same shall be sufficient authority to hold the accused for final trial of the case, and to that end the accused may be imprisoned, unless he or she can give a good and sufficient bond for his or her appearance at such other time as may be required, and if such bond be given and the accused fail to appear at the time fixed for trial, the bond may be forfeited by the council, and execution issued thereon by the clerk, by first serving the principal, if to be found, and his securities with a rule *nisi*; such rule shall be signed by the clerk and mayor; and should there be a defense to said rule, the same shall be heard by any justice of the peace or notary public in the militia district in which the town is situated. Arrests by
marshal or
mayor, etc. Accusa-
tion. imprison-
ment. Bail, bond
etc.

SEC. XXI. *Be it further enacted*, That all writs, processes and subpoenas issued in behalf of said town shall be directed to the marshal of said town, and signed in the same manner as executions; all executions issued in behalf of said town for the collection of taxes, fines, forfeitures, license for any other purpose Writs, etc Execu-
tions, etc.

shall be directed to the marshal of said town, signed by the clerk and mayor, and all sales by the marshal of said town shall be advertised, if personal property, by posting said advertisement in three of the most public places in said town for ten days before the sale, and if real estate, the marshal shall advertise the same once a week for four weeks in the public gazette in which the Sheriff's advertising of the county in which the property is situated is done, and shall only sell such real estate on the first Tuesday in each month; all sales shall take place before the council chamber in said town, or wherever the mayor may direct and is advertised, and when a claim or illegality may be interposed, the marshal shall not sell, but in case of personal property, the claim or illegality shall be returned to the justice's court of the district in which said town is situated, to be tried, unless the amount of the execution shall exceed one hundred dollars, then the same shall be returnable to the Superior Court of Walton county and there be tried, and in case of claim or illegality be interposed to sale of real estate, the same shall be returnable to the Superior Court of Walton county, and when there may be a claim or illegality interposed, the same rules and laws as regulate claims and illegalities in justice courts shall obtain if returnable to a justice, and if returnable to the Superior Court, the same rules and laws as regulate such matters in Superior Courts shall obtain, and in any case if claims or illegality to a sale be interposed, in which the same is returnable to a justice court, there may be an appeal to the Superior Court from the decision of the justice, in case where the amount of the execution be fifty dollars, and should the amount of the execution be less than fifty, by *certiorari* from the decision of the justice.

Municipal
bonds.

SEC. XXII. *Be it further enacted*, That said mayor and council of said town shall have power, if they shall deem fit and proper, to issue bonds upon said town of Loganville, to the aggregate amount of five thousand dollars (or less), payable at not less than five nor longer than thirty years after the date of said bonds, said bonds not to bear interest at a rate of interest greater than seven per cent. per annum, said bonds to be issued in such amounts as the mayor and council of said town shall deem proper; but in no event shall any bond issued by the mayor and council of said town, under this Act, be for an amount or sum less than one hundred dollars. In the event said mayor and council shall decide to issue bonds under this Act, all the property, both real and personal, belonging to the town of Loganville shall be pledged and liable for the principal and interest due on such bonds so issued as aforesaid; said bonds, if they shall be issued by the mayor and council of the town, shall be signed by the mayor and clerk of council of said town, and shall have such form and style as the mayor and council of said town shall prescribe; *Provided*, that

Incorporating Town of Loganville.

before the said mayor and council shall issue said bonds, said mayor and council, at a regular meeting, pass an ordinance prescribing and directing the aggregate amount, denomination of said bonds, rate of interest thereon, the time when said bonds shall become due and payable, and the style and character generally of said bonds, which said ordinance, before it shall have the effect and force of law, shall be submitted to a vote of the qualified voters of said town, which election shall be held under the same rules and regulations herein prescribed for the election of mayor and councilmen, and such ordinance shall not be considered adopted and authorized unless at said election, the vote of said election shall aggregate at least two-thirds the number of votes cast at the election next preceding the election ordered to determine whether or not said bonds shall be issued. If at said election a majority of the votes cast shall be in favor of said ordinance (authorizing the issue of said bonds), said mayor and council shall have power and authority to issue bonds to the amount named in the ordinance of said mayor and council; *Provided further*, that the money realized from the issue and sale of said bonds shall be appropriated exclusively to aid in the building of a railroad from the town of Loganville to the town of Lawrenceville, in Gwinnett county; said railroad known and chartered as the Loganville Railroad Company, and said mayor and council shall hold the amount thus subscribed as stock for the town of Loganville in said railroad company.

Election as to.

Disposition of proceeds

SEC. XXIII. *Be it further enacted*, That it shall be the duty of all tax-payers and owners of taxable property within the corporate limits of said town, and they and each of them, by themselves or an agent, are hereby required to make annual returns under oath to the clerk of council in said town of Loganville, or to such other officers as the mayor and councilmen of said town may appoint for such purpose, at such time as the mayor and councilmen of said town may limit, of all taxable property in the said town held in their own right, or in the right of any other person, and in case any person or persons shall refuse or fail to make such returns, or shall make any returns deemed incorrect by the mayor and councilmen, the said mayor and councilmen may assess the property of such person or persons, and fix such value as they may deem correct and just, and all taxes and fines levied and imposed by the mayor and councilmen (in case of refusal to pay the same) shall be collected as prescribed in the foregoing section of this Act.

Tax returns.

Assessment.

SEC. XXIV. *Be it further enacted*, That the mayor and each of said councilmen shall be *ex officio* a justice of the peace, and shall have full authority to issue warrants for any offense com-

Mayor and councilmen ex officio magistrates.

Amending Charter of Palmetto.

mitted within the corporate limits of said town, and shall have power to compel the attendance of witnesses to examine them under oath, to admit any offender to bail or commit him to jail for the violation of the laws of the State, and to admit to bail or commit to the guard-house for violation of the ordinances of said town.

General
duties and
powers of
mayor.

SEC. XXV. *Be it further enacted*, That the mayor or acting mayor is the chief executive of the town of Loganville, and is hereby required to enforce all the laws, rules and regulations of said town, and he is authorized to administer oaths to councilmen and all subordinate officers of said town after having taken the oath of office himself.

SEC. XXVI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 20, 1887.

AMENDING CHARTER OF PALMETTO.

No. 193.

An Act to amend the several Acts incorporating the town of Palmetto, in Campbell county, by providing for the working of the streets in said town, collection of taxes, and for fixing salaries and fees, and the issuing of licenses and conferring certain specific corporate powers on the mayor and council of said town, and for other purposes herein mentioned.

Street
working.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the mayor and council of Palmetto, in the county of Campbell, shall have the power to require all male persons residing within the corporate limits of said town, between the ages of sixteen and fifty years, except such as are exempt by law from road duty, to work on the public streets of said town for the space of fifteen days in each year, but they cannot require any person to work more than five days at any one time.

Commuta-
tion street
tax.

SEC. II. *Be it further enacted*, That said mayor and council shall accept from each person subject to street duty such sum of money, not exceeding three dollars, as they may designate at their meeting in January of each year, in lieu of the work mentioned in the first section of this Act; *Provided*, said sum is paid on or before the first day of February in each year; *Pro-*

vided further, that should any person move into said town after the first day of February in any year, that the mayor and council shall assess the amount of work to be done, or the sum of money to be paid by such person, and fix the time of the payment of the same, if such person should be subject to street duty; *Provided, nevertheless*, that the mayor and council shall assess the amount of work to be done or sum of money to be paid by persons residing in said town subject to street duty for the balance of this year, and fix the time for the payment of the same.

SEC. III. *Be it further enacted*, That said mayor and council shall have the power to punish by fine, not to exceed thirty dollars, or imprisonment not to exceed thirty days, any person or persons in said town subject to street duty who fails or refuses to work the streets, as aforesaid, after being duly warned to do so by the marshal; *Provided*, said person has not paid the sum of money in lieu thereof as aforesaid. Punishment for failure to work or pay tax.

SEC. IV. *Be it further enacted*, That the mayor and council of said town shall, at their regular meeting in November of each year, and not later, fix all salaries and fees for officers of said town for the following year. Salaries, etc.

SEC. V. *Be it further enacted*, That the mayor and council of said town shall have power to require, and it shall be their duty, all persons in said town, subject to pay a vocation tax, to pay the same and take out a license therefor before the 1st day of March in each year, and they may punish by fine, not to exceed twenty dollars, or imprisonment, not to exceed twenty days, all persons convicted of carrying on a business in said town without such license, and the licenses so taken out shall run from the date thereof to the 1st day of March following, and the mayor and council may at any time fix the amount for a fractional part of a year. Vocation tax, etc.

SEC. VI. *Be it further enacted*, That said mayor and council shall, at their meeting in February of each year, assess all vocation or license taxes for that year, but they shall not have power to assess a vocation or license tax on any business to be carried on in said town exceeding ten dollars, except manufacturers and wholesale dealers in spirituous or intoxicating liquors, which shall not exceed fifty dollars, and except shows, billiard tables, and tables of like character, and ten-pin alleys and alleys of like character, and retail liquor dealers, which shall be entirely in the discretion of the mayor and council. Assessment of vocation tax. Restrictions.

SEC. VII. *Be it further enacted*, That said mayor and council shall look after the erection and maintenance of all buildings in said town with reference to making them as safe from fire as practicable. Buildings.

SEC. VIII. *Be it further enacted*, That the said mayor and

Confirming Ordinance of City of Augusta as to Lease of Water Power of Canal.

Ordinan-
ces, etc.

council shall have the power to pass all such by-laws and ordinances, not in conflict with the laws of this State, as may be needful for carrying into effect the powers conferred upon them by law, and that may be for the good order and peace of said town, and the protection of person and property therein.

SEC. IX. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 20th, 1887.

CONFIRMING ORDINANCE OF CITY OF AUGUSTA AS TO LEASE
OF WATER-POWER OF CANAL.

No. 198.

An Act to confirm an ordinance of the city council of Augusta, entitled an ordinance to prescribe the time and conditions under which the water power of the Augusta Canal shall be let and rented, and for other purposes, passed March 4th, 1886, and for other purposes.

Ordinance
of March
4, 1886, as
to lease of
water power
of canal
confirmed.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, an ordinance of the city council of Augusta, entitled an ordinance to prescribe the time and conditions under which the water-power of the Augusta Canal will be let and rented, and for other purposes, passed by the city council of Augusta on the 4th day of March, 1886, be, and the same is hereby confirmed; *Provided*, that this Act shall not be construed to affect in any manner rights vested, either by express or implied contract, before the passage of the ordinance herein mentioned, or otherwise, in any way to affect the same, except so far as the ordinance provides for a lien for and a mode of enforcing by execution the demands of the city for water rents, to which extent the said ordinance is validated, both as to past and future transactions.

Saving of
vested
rights.

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21st, 1887.

Terms of Office of Members of City Council of Augusta.

TERMS OF OFFICE OF MEMBERS OF CITY COUNCIL OF AUGUSTA.

No. 199.

An Act to amend an Act entitled an Act to regulate the time for which the members of the city council of Augusta shall hold office, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the above recited Act, approved the 12th day of September, 1883, be, and the same is hereby amended by striking from the eighth and ninth lines of the first section thereof the words, "in the fifth ward of said city, one member of the city council shall be elected for a term of one year," and inserting in place thereof the following:

"In the fifth ward, at the next general election for members of the city council of Augusta, held after the passage of this Act, three members of said city council shall be elected, one for a term of three years, one for a term of two years, and one for a term of one year, and at each general election thereafter one member shall be elected from said fifth ward for a term of three years."

Said first section is further amended by striking from the twelfth and thirteenth lines thereof, after the word "years" in the twelfth line, the following:

"And one member from said fifth ward for a term of one year," so that said section when amended shall read as follows, viz:

"That at the next general election for members of the city council of Augusta, there shall be elected from each of the following wards of said city, namely, the first, second, third and fourth, three members of the city council of Augusta, one in each ward for a term of three years, one in each ward for a term of two years and one in each ward for a term of one year. In the fifth ward at the next general election for members of the city council of Augusta, held after the passage of this Act, three members of said city council shall be elected, one for a term of three years, one for a term of two years and one for a term of one year, and at each general election thereafter one member shall be elected from said fifth ward for a term of three years. At each general election thereafter one member shall be elected from each of said four wards, namely, the first, second, third and fourth, for a term of three years. The members thus elected shall hold their office until their successors are elected and qualified. All elections to fill vacancies shall be for the unexpired term of the member whose vacancy is to be filled."

SEC. II. *Be it further enacted by the authority aforesaid*. That

Incorporating Town of Kennesaw.

all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21st, 1887.

INCORPORATING TOWN OF KENNESAW.

No. 206.

An Act to incorporate the town of Kennesaw, in Cobb county, and to provide for the election of a mayor and council, marshal and clerk, and to define their powers and duties, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, the town of Kennesaw, in the county of Cobb, shall be incorporated under the name and style of Kennesaw, by which name it shall sue and be sued, plead and be impleaded.

Corporate
name.
General
powers.

Corporate
limits.

SEC. II. *Be it further enacted,* That the corporate limits of said town shall be as follows: The corporate limits of said town shall extend one-half mile from the depot of the Western and Atlantic Railroad Company; that is, said corporate limits shall commence at the depot aforesaid and extend one-half mile north, south, east and west, so as to include all of the territory in every direction within one-half mile of the depot as aforesaid, which, after the passage of this Act, shall be known as the corporate limits of said town.

Election of
officers.

Conduct
of.
Voters.

Result of
election.

SEC. III. *Be it further enacted by the authority aforesaid,* That within six months after the passage of this Act, or so soon thereafter as practicable, and on the first Monday in January thereafter, there shall be an election held for the election of a mayor and four councilmen, which election shall be conducted in the same manner as an election for members of the General Assembly in this State, and each person residing within the corporate limits of said town, who shall be qualified to vote for the members of the General Assembly, shall be qualified to vote in such elections for mayor and councilmen, and the person or persons who shall receive the highest number of votes for either of the above-named offices shall be declared duly elected; *Provided,* the marshal and clerk shall be elected by the mayor and council immediately upon their election, or as soon thereafter as practicable.

SEC. IV. *Be it further enacted by the authority aforesaid,* That said mayor and council shall have power and authority to cause

Issue of Bonds by Thomasville for Park and Water-Works.

to be worked all streets, roads and alleys in said town by all persons residents therein subject to road duty under the laws of this State, and to fix a commutation tax to be paid by all such persons in lieu of road-working on said streets, alleys or roads. Said mayor and council shall have power to make any and all by-laws, rules and regulations or ordinances necessary for the government of the town, which are not inconsistent with the laws and Constitution of this State; to punish by fine or imprisonment, or both, in the discretion of the mayor or council; *Provided*, the fine shall not exceed thirty dollars nor the imprisonment thirty days, in the discretion of the mayor and council. They shall also have power and authority to fix the cost that shall be paid to the mayor, marshal and clerk for services when any person shall be convicted for violating any of the ordinances of said town; *Provided*, such cost shall be taxed against the person or persons convicted of violating any such ordinance or ordinances. Said mayor and council shall also have power to levy and collect a tax on all property within the corporate limits of said town, not to exceed two-tenths of one per cent., for the support of the government of said town.

SEC. V. *Be it further enacted by the authority aforesaid*, That nothing in this Act shall be construed to give the town authorities, or any other authorities, the right to grant license to sell intoxicating liquors in any quantity whatever within the corporate limits of said town, or to repeal existing laws on that subject.

SEC. VI. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21st, 1887.

ISSUE OF BONDS BY THOMASVILLE FOR PARK AND WATER-WORKS.

No. 208

An Act to authorize the mayor and council of the town of Thomasville, Georgia, to issue bonds of said town (the question of "Bonds" or "No bonds" having first been submitted to the qualified voters of said town) to the amount of fifteen thousand dollars, to be used for the purchase of land for park purposes and for water-works, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,*

Issue of Bonds by Thomasville for Park and Water-works.

Election as to issue of bonds. That from and after the passage of this Act, the mayor and council of the town of Thomasville, in said State, shall be, and they are hereby authorized and empowered, at such time as they may select, within two years from the passage of this Act, and at the usual place for holding municipal elections in said town, submit to the qualified voters of said town the question of "Bonds" or "No bonds."

Notice of. Notice of the time and place of holding said election shall be given by publishing once a week for four weeks, in the newspapers published in said town, a notice setting forth the object of said election and the time and place of holding the same.

Conduct of. Said election shall be conducted in all respects as elections for mayor and aldermen of said town are now conducted, and only those voters who were qualified to vote at the election for mayor and aldermen next preceding said election for "Bonds" or "No bonds" shall be qualified to vote at this latter election.

Voters. The managers shall return the papers with their certificate of the result of said election under seal to the mayor or acting mayor of said town.

Returns.

Result. SEC. II. *Be it further enacted by the authority aforesaid,* That if at said election the necessary two-thirds shall vote in favor of "Bonds," the mayor shall so declare and announce his decision by publication in the newspapers in said town one time, and the mayor and council of said town may proceed, as soon thereafter as practicable, and are hereby authorized and empowered, to issue coupon bonds of said town to an amount not exceeding in the aggregate fifteen thousand dollars. Said bonds to be issued for such an amount each and bear such rate of interest, not exceeding seven per cent. per annum, and to run for such time, not exceeding thirty years from the date of their issue, as the mayor and council may decide; and the said mayor and council shall make said bonds redeemable at such time as may seem most advantageous for said town, and shall provide by taxation for the payment of the interest on said bonds as fast as it becomes due, and shall provide, by such means as may be best for said town, for the accumulation of a fund to pay off said bonds when they become due.

Amount of bonds, etc.

Redemption.

SEC. III. *Be it further enacted by the authority aforesaid,* That none of said bonds above provided for and authorized to be issued shall be sold for less than par by said mayor and council, and the proceeds arising from the sale of said bonds shall be applied first to the purchase of land for park purposes, and the balance, if any, shall be used in paying off any indebtedness there may be of said town for water-works, or be applied to the improvement and extension of the water-works system in said town.

Must not be sold at less than par.

Application of proceeds.

 Extending Corporate Limits of Thomasville.

SEC. IV. *Be it further enacted by the authority aforesaid,* That the bonds provided for in this Act are independent of and in addition to those authorized by the Act of September 2nd, 1885. Bonds additional to those authorized by Act of September 2, 1885.

SEC. V. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21, 1887.

 EXTENDING CORPORATE LIMITS OF THOMASVILLE.

No. 209.

An Act to amend the charter of the town of Thomasville so as to extend the corporate limits of said town, for police purposes only, so as to include the land purchased by the town and enclosed and laid out as a cemetery for the colored people of said town, and for a space of two hundred yards around and outside of the fence enclosing said cemetery; also so as to include all that territory bounded on the north by the present corporate limits of said town, on the west by the Tallahassee road, on the east by the Magnolia road and on the south by a straight line drawn from the northwest corner of the "Old Lightfoot place" on the Tallahassee road by the southern boundary of the lands of the Connecticut Industrial School to the Magnolia road, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, the Act, approved March 3rd, 1874, entitled "An Act incorporating the town of Thomasville, and to grant certain privileges to the same, and define its limits," be, and the same is hereby amended by adding at the end of section 29 of said Act the following: "And for police purposes only, so as to include the land purchased by the town and enclosed and laid out as a cemetery for the colored people of said town, and for a space of two hundred yards around and outside of the fence enclosing said cemetery; also so as to include all that territory bounded on the north by the present corporate limits of said town, on the west by the Tallahassee road, on the east by the Magnolia road and on the south by a straight line drawn from the northwest corner of the 'Old Lightfoot place' on the Tallahassee road by the southern boundary of the lands of the Connecticut Industrial School to the Magnolia road, and said

New Charter for Swainsboro.

territory and the inhabitants thereof shall be under the jurisdiction and control of the same police regulations that govern all other portions of said town.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved September 21st, 1887.

NEW CHARTER FOR SWAINSBORO.

No. 211.

An Act to repeal an Act incorporating the town of Swainsboro, in the county of Emanuel, approved December 22nd, 1857, and the several Acts amendatory thereof, and to provide a new charter for said town, and for the election of a mayor and councilmen; to prescribe their powers and duties, and for other purposes.

The General Assembly of the State of Georgia do enact, That from and after the passage of this Act, an Act, approved December 22nd, 1857, incorporating the town of Swainsboro, in the county of Emanuel, in said State, and the several Acts amendatory thereof, be, and the same are hereby repealed, and that in lieu thereof the following shall be the charter of said town of Swainsboro:

SECTION I. *Be it enacted*, That the municipal government of the town of Swainsboro, in the county of Emanuel, shall be vested in a mayor and five councilmen, who are hereby constituted a body corporate under the name and style of the Mayor and Council of the Town of Swainsboro, and by that name and style shall have perpetual succession, and shall in said name be capable to sue and be sued, plead and be impleaded in any court of law and equity in this state; shall have power to purchase, lease, hold, receive, enjoy, possess and retain to them and their successors, from the use and benefit of said town, any estate or estates, real or personal, of whatever kind or name, within the limits of said town, and to sell, alien, exchange, lease or convey the same, or any part thereof, and to do all other acts relating to their corporate capacity consistent with the Constitution and laws of said State.

SEC. II. *Be it further enacted*, That the corporate limits of said town of Swainsboro shall extend and embrace one-half mile in every direction from the court house in said town.

SEC. III. *Be it further enacted*, That an election shall be held in said town on the first Saturday in January in each year for a mayor and five councilmen, who shall hold their offices for one

Govern-
ment.

Corporate
name.

General
powers.

Corporate
limits.

Elections
for officers.

year, or until their successors are elected and qualified ; said election shall be opened at 8 o'clock a m. and closed at 4 o'clock p m. to be held under the superintendence of a justice of the peace and two freeholders in said town, or by three freeholders in said town, under the forms and regulations prescribed by law for election of members of the General Assembly in so far as they are applicable to such election and do not conflict with the specific rules herein prescribed. Conduct of.

SEC. IV. *Be it further enacted*, That said superintendents of election shall duly declare the result of said election, and shall issue certificates of election to such persons as received the highest number of legal votes polled, who shall, as soon as practicable thereafter, qualify by taking an oath before some officer authorized to administer oaths in this State to well and truly perform the duties of their respective offices as such mayor and councilmen during their continuance therein, which oath, with a list of the voters and tally-sheet, and the certificate of election given by said superintendents, shall be entered of record on the minutes of said council and the original filed in the office of the clerk of council. Result of election.
Oath of office, etc.

SEC. V. *Be it further enacted*, That the qualifications of voters at said election shall be such as are required for electors to the General Assembly, and in addition thereto a *bona fide* resident within the corporate limits of said town for six months next preceding the election, and the payment of all legal taxes and fines required of them by said corporation, and no person shall be eligible to the election or performing the duties of the office of mayor or councilmen who is not a qualified voter in said town. Qualifications of voters.
For office.

SEC. VI. *Be it further enacted*, That in case of a vacancy in the office of mayor or councilmen by death, resignation or otherwise, an election to fill such vacancy shall be ordered by said council to take place at such time as may be specified in said order after public notice of the same by posting at the court-house door in said town for the space of at least ten days before said election. In case of vacancy in the office of mayor, the same may be supplied by said board of councilmen by electing from their body a mayor *pro tem*, who shall perform all the duties of said office until the election and qualification of his successor as above provided. Vacancies.
Mayor pro-tem.

SEC. VII. *Be it further enacted*, That said mayor and council shall have authority to appoint a clerk, treasurer, marshal and such other officers as they may deem necessary and proper ; to regulate the time and mode by which they will elect said officers, fix their fees and salaries, to take their bonds, to prescribe their duties and oaths, and to remove them from office and impose fines for neglect of duty for sufficient cause, at their discretion. Subordinate officers.

New Charter for Swainsboro.

SEC. VIII. *Be it further enacted*, That said mayor and council shall have full power and authority to assess, levy and collect such taxes, not exceeding 100 per cent. on the State tax, upon all and every species of property, both real and personal, within the limits of said town (except church and school property) at its market value on the first day of April in each year; also to levy and collect such special tax on trades, business, occupations, theatrical exhibitions, or other performances exercised, performed or carried on within the corporate limits of said town, including circuses and shows of all kinds, itinerant traders, peddlers, auctioneers and all other trades, games or occupations, subject to special tax under the State law, as they may deem proper. They shall also have power to tax, license and regulate ten-pin alleys, billiard and pool tables, or to prohibit or remove the same for sufficient cause, as they may deem necessary. They shall have power to license, regulate or prohibit the sale of spirituous liquors and other intoxicating drinks in said town; *Provided*, the tax for the sale of spirituous liquors, or other intoxicating drinks in said town, shall not be less than ten thousand dollars. For the purpose of enforcing the payment or collection of the taxes above enumerated, the mayor and council may prescribe such rules and regulations, and impose such penalties for a violation of the same, as they may deem necessary, not inconsistent with the Constitution and laws of this State, and the mayor of said town is hereby vested with authority to issue executions for such fines or taxes as may become collectible in favor of said town, and the marshal may proceed to collect the same by levy and sale, in case of levy on personal property after ten days' advertisement at the court-house door in said town, and in case of levy on real estate by return to the Sheriff of Emanuel county, who shall advertise and sell in the same manner as prescribed by State law for levies made on real estate and returned by constable.

SEC. IX. *Be it further enacted*, That the mayor and council shall have full power and authority to open, change or abolish streets in said town as the public interest may require, and shall keep in good order the streets and sidewalks in said town and may require and compel all persons residing in said town, who may be subject by law to road duty, to work on the streets and walks of said town not to exceed ten days in each year, but may receive in lieu thereof a commutation fee from such person not to exceed three dollars a year, and the mayor of said town shall have the same power and authority to punish defaulters as the road commissioners of this State now have or may hereafter have; *Provided*, no defaulter shall have the right to relieve

himself of any fine or penalty imposed for his failure to perform street duty, after being returned as such defaulter, without the consent of the mayor.

SEC. X. *Be it further enacted*, That said mayor and council shall have full power and authority to enact and enforce all ordinances, by-laws, rules and regulations necessary for the good government of said town and securing and promoting the health of the inhabitants thereof, not repugnant to the Constitution and laws of this State. They may regulate or prohibit the running at large in said town of any horses, mules, cattle, hogs, dogs, or other animals or fowls, and prescribe penalties therefor; to protect places of divine worship; to provide places for the burial of the dead and to regulate interments therein; to make regulations to guard against danger or damage by fire; to drain such branches, ponds or pools as may be injurious to the health of the citizens; to abate nuisances; to protect the public health, and to promote and protect the peace and good order of said town.

SEC. XI. *Be it further enacted*, That the mayor shall hold a police court in said town at any time for the trial and punishment of all violators of the ordinances, by-laws, rules and regulations of said town, and shall keep a docket upon which he shall enter all cases and judgments tried or rendered by him, the punishment inflicted not to exceed a fine of twenty-five dollars, or imprisonment in the guard-house, or labor on the public streets or works of said town not to exceed thirty days, and in addition thereto the costs of the proceedings. It shall be the duty of such mayor to act as the presiding officer (except when he is absent or disqualified, when any member of the council can act) of the council when in session, and look after the promotion of the peace and good order and the enforcement of the by-laws and ordinances of said town. There shall also be kept a record of all ordinances and a minute of the council proceedings, all of which shall be open to the inspection of the public as other public records.

SEC. XII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21, 1887.

Ordinances, etc.

Running at large of animals, etc.

Police court.

Punishments.

Presiding officer.

Minutes.

Amending Charter of Fort Valley.

AMENDING CHARTER OF FORT VALLEY.

No. 249.

An Act to amend an Act incorporating the town of Fort Valley, in Houston county, approved September 27, 1883, so that the municipal authorities of said town shall have power to open, lay out and establish any new street, lane, way or square, or to widen, extend or straighten any street, lane, way or square already established in said town.

Power to widen, extend and open streets, etc. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the mayor and council of the town of Fort Valley shall have power and authority from the passage of this Act to widen, extend or straighten any street, lane, way or square and to open, lay out and establish any new street, lane, way or square within the corporate limits of said town ; *Provided,* that no street or alley already existing in said town, or hereafter laid out therein, shall be made over fifty feet wide.

Damages to private rights. SEC. II. *Be it further enacted,* That whenever said mayor and council shall exercise the power and authority enacted in the first section of this Act to the injury of private right, they shall appoint five freeholders in said town, who shall assess the damages sustained, or the benefits or advantages derived by the owner or owners of the lot or lots fronting on said streets, lanes, ways or squares so widened, extended, straightened, opened, laid out or established, with power and authority to said mayor and council to enforce the award or decision, but the owner or owners of land affected by such decision shall have the right to appeal therefrom to a jury in the Superior Court of Houston county, whose verdict in the premises shall be conclusive ; *Provided,* that nothing in this section conveys the authority to tax property-holders specially for improvements made on streets to which said property may lie adjacent.

Damages to be first paid. SEC. III. *Be it further enacted,* That before said town authorities shall take or damage property of private citizens for the purposes hereinbefore mentioned, they shall pay the amount of damages assessed against said town, or tender the same.

SEC. IV. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved September 29, 1887.

AMENDING CHARTER OF DALTON.

No. 250.

An Act to amend section nine of an Act entitled an Act to amend the charter of the city of Dalton, approved October 5, 1885.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That section nine of an Act entitled an Act to amend the charter of the city of Dalton, approved October 5, 1885, be, and the same is hereby amended by striking out the word "criminal," in the eighth line of said section, and inserting after the word "ordinance," in the eighth line of said section, the following words, to-wit, "As is now allowed the sheriffs and constables of this State for like services," and by striking out the words, "Under the provisions of section twenty-five of the charter as amended by this Act," in the tenth and eleventh lines of said section, and inserting in lieu thereof the following words, to-wit, "In all cases tried before the mayor or three members of the council of said city," so that said section, when amended, shall read as follows : That the compensation of all officers provided for by the charter of said city shall be fixed by the mayor and council—the salary of the mayor not to exceed three hundred (\$300) dollars; that of the members of the council not to exceed one hundred (\$100) dollars each; that of the clerk not to exceed three hundred (\$300) dollars; that of the treasurer not to exceed one hundred (\$100) dollars; that of the marshal not to exceed four hundred (\$400) dollars ; and in addition to the salary so fixed the marshal shall be entitled to such costs in cases as may be allowed him by ordinance, as is now allowed the sheriffs and constables of this State for like services, such costs in no case to be paid out of the treasury, but only to be paid when collected from persons convicted, in all cases tried before the mayor or three members of the council of said city.

Sec. 9 of Act of October 5, 1885, amended. Marshal's costs.

SEC. II. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29, 1887.

BOARD OF WATER COMMISSIONERS OF ATLANTA.

No. 261.

An Act to amend an Act establishing a new charter for the city of Atlanta, approved February 28th, 1874, and the several Acts amendatory thereof, so as to provide that the board of water commissioners of said city shall consist of one member from each of the six wards of said city, and that the mayor and chairman of the committee on water-works of the general council shall each be *ex officio* a member of said board; to provide for the election and prescribe the terms of service of the members of said board, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That at the second regular meeting of the mayor and general council of the city of Atlanta in December, 1887, said body shall elect six water commissioners for said city.

Six commissioners to be elected.

One from each ward.

Terms of office.

SEC. II. One of said commissioners shall be elected from each of the six wards of said city. The terms of the members first elected under this Act shall be as follows: Those elected from the first and second wards shall hold their offices for a term of one year; those elected from the third and fourth wards shall hold their offices for a term of two years, and those elected from the fifth and sixth wards shall hold their offices for a term of three years. At all subsequent elections, except to fill vacancies, the members shall be elected for a term of three years each, and on the expiration of a term, or the existence of a vacancy, a member shall be elected from the ward in which the same occurs.

When terms begin.

Vacancies.

SEC. III. The terms of office of all members of said board shall commence on the first day of January following their election, except in cases of elections to fill vacancies. In the latter case, elections shall be for the unexpired term.

Ex officio members. Board of water commissioners.

SEC. IV. The mayor of said city and the chairman of the committee on water-works of the general council of said city shall each be *ex officio* a member of the board of water commissioners of said city, and said six members above provided for, together with said mayor and chairman of the committee on water-works, shall constitute the board of water commissioners of said city instead of three members and the mayor of said city as heretofore.

Compensation.

SEC. V. The compensation of the members of said board of water commissioners shall be fixed by the mayor and general council before their election, and shall not be changed during

Amending Charter of Carnesville.

their continuance in office, except as and to the extent provided in an Act amending the charter of said city, approved September 18th, 1883.

SEC. VI. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 1, 1887.

AMENDING CHARTER OF CARNESVILLE.

No. 264.

An Act to amend an Act incorporating the town of Carnesville, in Franklin county, approved August 24th, 1872, so that the municipal authorities of said town shall be a mayor and four councilmen, and to provide for the election and succession of said officers, and to define their powers, duties and jurisdiction; to give them power over the streets, sidewalks, markets and cemetery; to protect person and property; to provide a revenue for the town; to provide annual assessments, levy and collect taxes; to make and pass all needful ordinances, rules and regulations not contrary to the Constitution and laws of the State; to abate nuisances, and to regulate the keeping of billiard and pool tables and ten-pin alleys; to impose fines and imprisonment; to collect fines by execution; to provide for and establish a street chain-gang in which to work offenders against the laws and ordinances of said town, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact*, That the municipal authorities of the town of Carnesville shall be a mayor and four councilmen, who together shall form a common council; but no person shall be eligible to either of said offices unless at the time of his election he resides within the corporate limits of said town and is at least twenty-one years old. The mayor and councilmen, as herein provided, and their successors in office, shall be a body politic and corporate by the name of the town of Carnesville, and shall have perpetual succession and a common seal, and by that name may sue and be sued, plead and be impleaded, purchase and hold real and personal estate necessary to enable them to better discharge their duties and needful for the good order, government and welfare of said town. All the corporate powers of said corporation shall be exercised by said council, or under their authority, except as otherwise provided by law. The council shall also elect a treasurer and marshal if they deem it necessary, each of whom

Government.

Qualifications for office.

Corporate name. General powers.

Subordinate officers.

Amending Charter of Carnesville.

Board. when elected shall enter into bond with sufficient sureties, approved by the mayor, in such penalty as the council shall prescribe, payable to the corporation, conditioned faithfully to collect and pay over, as required by the council, all taxes, fines, forfeitures and all other incomes of said corporation, and said officers shall

Terms, etc. hold their offices during the pleasure of the council, and shall perform the duties respectively as prescribed by law or as may be required by the council. The treasurer may be selected from among the councilmen.

Terms of mayor and councilmen. SEC. II. *Be it further enacted,* The mayor and councilmen shall hold their offices for one year and until their successors are elected and qualified.

Elections. SEC. III. *And be it further enacted,* The first election of officers under this Act shall be held on the 1st day of October, 1887, and the second election of officers under this Act shall be held on the first Saturday in January, 1888, and annually thereafter on the first Saturday in January of each year, without further notice, at the court-house in Carnesville, under such supervision, rules and regulations, not inconsistent with the laws regulating county elections, as the council may prescribe, such election to be evidenced by the certificate of the managers, entered on the record of the town, and every person elected or appointed to an office in said corporation shall, within twenty days after his election or appointment and before he shall enter upon the duties of his office, take

Oath of office. and subscribe the oath of office, which may be done before any person authorized by law to administer oaths, or before the mayor of said town, which oath, with the certificate of the officer administering the same, shall be entered on the record of the town.

Failure to hold election. SEC. IV. *Be it further enacted,* That if from any cause the annual election as hereinbefore provided shall not be held at the time prescribed, the mayor and two free-holders, or, on their failure, any justice of the peace within the town district and two free-holders of said town, who are legal voters, may at any time, on giving the inhabitants of the town at least five days' notice thereof in some local newspaper, or by written or printed notices at three or more public places within the corporation, hold such election in all other respects as hereinbefore provided, and the persons so elected shall have the same powers and liabilities as if they had been elected at the regular period. All the

Conduct of elections. elections held for office, as provided for in this Act, shall be held by the mayor and two free-holders of said town, or, on their failure, by the justice of the peace of the town district and two free-holders of said town.

Voters. SEC. V. *Be it further enacted,* All persons who have been *bona fide* residents of said town for six months next preceding a

Amending Charter of Carnesville.

charter election held therein, and who are qualified voters under the Constitution and laws of this State, and none others, shall be allowed to vote at any charter election in said town.

SEC. VI. *Be it further enacted*, When any vacancy shall occur, Vacancies. from any cause, in the office of mayor, or in the council, the vacancy shall be filled by appointment by the council from among the citizens of the town eligible under this charter. All contested Contested elections. elections shall be heard and decided by the retiring council.

SEC. VII. *Be it further enacted*, The council shall be presided Presiding officer. over by the mayor; in his absence, the mayor *pro tem.*, or in his absence, by one of the councilmen elected by a majority of the council present, and the mayor and two members of the council, or, in the absence of the mayor, three councilmen shall be neces- Quorum. sary to form a quorum for the transaction of business. Upon the call of the mayor, or any councilman, the yeas and nays on any Yeas and nays. question shall be taken and recorded upon the minutes. The Vote of mayor. mayor, in case of a tie, shall have the casting vote.

SEC. VIII. *Be it further enacted*, The council of said town shall have power to lay off, vacate, close, open, alter, curb, pave and keep in good order and repair roads, streets, alleys, General municipal powers sidewalks, crosswalks, drains and gutters for the use of the public, or of any of the citizens thereof, and to improve and Streets, etc. light the same, and have them kept free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways, crosswalks, drains and gutters to be curbed and paved and kept in good order, free and clean, by the owner and occupants thereof, or of the real property next adjacent thereto; to establish and regulate a market; to prescribe Market, etc. the time of holding the same; to prevent injury and annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep and other Nuisances, etc. animals and fowls of all kinds from running at large in said town; to protect places of divine worship and other assemblies for literary and benevolent purposes, in and about the premises where held; to abate or cause to be abated anything which, in the opinion of the majority of the whole council, shall be thought a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide, in or near the town, places for the burial of the dead, and to regulate interments therein; to provide for the regular building of houses or other structures, and for the making of Cemeteries. Buildings, etc. division fences by the owners of adjacent premises, and the drainage of lots by proper drains and ditches, and to make regulation for guarding against danger and damage by fire; to provide Provisions against fire, etc. for the forfeiture and collection of appearance bonds; to protect the health, property and persons of the citizens of the town, and

Amending Charter of Carnesville.

to preserve peace and good order therein, and for this purpose to appoint, when necessary, a police force to assist the marshal in the discharge of his duties; to prescribe the powers and define the duties of the officers appointed by the council; to fix their term of service and compensation, require and take from them bonds, when deemed necessary, payable to said corporation, with such sureties and on such penalties as they may see fit, conditioned for the faithful discharge of their duties; to provide a revenue for the town, and appropriate the same to its expenses; to provide for the assessment of taxable property therein; to adopt rules for the regulation and government of its own body; to carry into effect these enumerated powers, and all others existing or hereafter conferred by law. The council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions and regulations not contrary to the Constitution and laws of this State, and to prescribe, impose and enact reasonable fines and penalties, not exceeding \$30, and imprisonment in the county jail, or other place of imprisonment in said corporation, for a term not exceeding thirty days, or, as an alternative of failure or refusal to pay fines imposed, to require labor in a work-gang in said town for a term not exceeding thirty days, which work-gang said council is authorized to establish or organize.

Police force.
Salary, etc., of subordinate officers.
Tax assessment, etc.
Rules, etc.
Ordinances, etc.
Punishments.

SEC. IX. *Be it further enacted*, That the council shall cause to be annually made up and entered upon its journal an accurate estimate of all sums which are or may be lawfully chargeable in the town, and which ought to be paid within one year, and it shall order a levy of so much as may, in its opinion, be necessary to pay the same; the levy so ordered shall be upon all dogs in the town, and upon all the real and personal estate therein subject to State and county tax; *Provided*, that the tax so levied shall not exceed sixty-five cents on every one hundred dollars of value thereof, except that the tax on dogs, which shall be *per capita*, and not to exceed one dollar on the head.

Ad. valorem and dog tax.
Street work.
Street tax.

SEC. X. *Be it further enacted*, That every male resident of the town, not under 21 nor over fifty years of age, shall, if required by the council, work not exceeding 15 days in each year, by himself, or an acceptable substitute, on the roads, streets and alleys, under direction of the mayor or marshal, or may be released from such work upon the payment to the council of such amount as may be fixed by the council, the money so paid to be used in the improvement of roads, streets and alleys, and if said work and money so paid is not sufficient to put and keep the roads, streets and alleys in good repair, the council shall levy a tax on all the subjects of taxation therein sufficient for that purpose, and to pay all other expenses incident thereto.

SEC. XI. *Be it further enacted*, That it shall be the duty of the marshal to collect the town taxes, fines, levies and assessments, and in case the same is not paid within 30 days after they are placed in his hands for collection, the council shall issue execution therefor, and the marshal may levy and sell therefor in like manner and under the same regulations as the officers of the State are now authorized to levy and sell under other executions. Collection of taxes, etc.

SEC. XII. *Be it further enacted*, Whenever anything for which State license are required is to be done within said town, the council may require a town license therefor, and may impose a tax thereon for the use of said town, or may also require a bond with good and sufficient sureties, conditioned as bonds payable on the State in such cases are conditioned, payable to said town to such penalty as it may think proper, and may revoke such license at any time if the conditions of said bond be broken, except the council shall not be authorized to license or allow any business which is prohibited by any local law of Franklin county; in addition to the *ad valorem* tax provided for in this Act, the council shall have power to levy a tax on all billiard tables, pool tables, ten-pin alleys, nine-pin alleys and tables and alleys of any other kind used for the purpose of playing with pins or balls, or both, within said town, and all contrivances of whatever kind used for the purpose of gaming, or carrying on a game of chance by selling cards, tickets or numbers, or by turning a deal or wheel, or by using any other artifice or contrivance. They shall also have power to tax all shows which may exhibit within said town, which tax may be collected (if not voluntarily paid) by execution, levy and sale, as in this Act for the collection of taxes, except that all executions under this section may issue and be levied instantler; and said council shall have full power to pass all ordinances necessary to carry into effect the provisions of this section. Special taxes.

SEC. XIII. *Be it further enacted*, That there shall be a lien on all the real and personal property within the corporation for the taxes assessed therein, and for all other fines and penalties assessed or imposed upon the owner thereof by the council of said town, from the time the same is assessed or imposed, that shall have a priority over all other liens, except liens due the State and county, and may be enforced in the same manner as now prescribed by law for the enforcement of liens for county taxes, or in such other manner as the council may by ordinance prescribe. Collection of.

SEC. XIV. *Be it further enacted*, That the mayor shall be the chief executive officer of the town. He shall take care that the orders, by-laws, ordinances and resolutions of the council are faithfully executed. He shall have power to cause the arrest, and shall try all offenders against the ordinances, orders and by-laws of said town; he shall have power to punish for contempts Lien for taxes, etc.

Duties and powers of mayor.

Amending Charter of Carnesville.

by fine and imprisonment, such fine not to exceed ten dollars, and such imprisonment not to exceed ten days. He shall have control of the police of the town, and may appoint special police officers whenever he deems it necessary; and it shall be especially his duty to see that the peace and good order of the town are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all violators and disorderly persons in said town. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, or in default of such payment, he may commit the party in default to the jail of the county of Franklin, or rather, place of imprisonment in said corporation, till the fine, or penalty, or costs shall be paid; but the time of imprisonment shall not exceed thirty days. In the absence or inability of the mayor on any account, the mayor *pro tem.* (to be appointed by the council), and in his absence or inability, one of the councilmen, to be designated by the other members of the council, shall perform his duties and be vested with all his powers.

Mayor *pro tem.*

Arrests by marshal.

Accusation.

SEC. XV. *Be it further enacted*, That in addition to the duties of the marshal elsewhere set forth in this Act, it shall be his duty to arrest all violators of the ordinances, orders and by-laws of said town and carry them before the mayor to be tried. It shall not be necessary to issue a warrant against any such offender, but he shall be tried upon a written accusation, which shall state the case and name the charge against the offender.

Compensation of mayor and marshal.
Treasurer.

Clerk.

Minutes, etc.

SEC. XVI. *Be it further enacted*, That the mayor and marshal shall receive such compensation as shall be fixed by the council, and the treasurer shall be allowed a commission of two and one-half per cent. upon all sums received by him, and two and one-half per cent. on all sums paid out by him. The council may elect a clerk (and in his absence the mayor may appoint a clerk *pro tem.*), whose duty it shall be to keep in a well-bound book a fair and correct record of the proceedings of the mayor's court. He shall also keep a record of the council proceedings, for which services he may be allowed such sum or sums as the council deem proper. The minutes must be authenticated by the mayor or other presiding officer for the time being. All the records of the mayor's court and council proceedings shall be open for public inspection.

When this Act shall take effect.

SEC. XVII. *Be it further enacted*, That this Act shall take effect and be in force on and after the first day of October, 1887.

SEC. XVIII. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 1, 1887.

STREET IMPROVEMENTS IN CITY OF SAVANNAH.

No. 266.

An Act to authorize the mayor and aldermen of the city of Savannah to require the grading, paving, macadamizing or otherwise improving for travel or drainage any of the streets or lanes of the city of Savannah; to make and collect assessments for the same, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the mayor and aldermen of the city of Savannah shall have full power and authority, by a vote of two thirds of the said mayor and aldermen elected to council (the mayor being entitled to a vote), to adopt at any time an ordinance requiring the grading, paving, macadamizing or otherwise improving for travel or drainage any of the streets or lanes of said city, and to assess two thirds of the cost of such paving, grading, macadamizing and otherwise improving on the real estate abutting on each side of the street or lane improved—a street railroad company now having, or which may hereafter have, tracks running through the streets of said city so improved being required to macadamize or otherwise pave, as the said the mayor and aldermen of the city of Savannah may direct, the width of its track, and two feet on each side of every line of track now constructed, or that may hereafter be constructed by such railroad company.

Grading,
and paving,
etc., of
streets and
lanes au-
thorized.

Assess-
ments for.
Street rail-
road com-
panies.

SEC. II. *Be it further enacted by the authority aforesaid*, That the mayor and aldermen of the city of Savannah shall have full power and authority to grade, pave, macadamize or otherwise improve any portion of the width of any street in the said city, and to assess two thirds ($\frac{2}{3}$) of the cost of such paving, grading, macadamizing and otherwise improving on the real estate abutting on each side of the street or lane improved—a street railroad company now having, or which may hereafter have, tracks running through the streets of said city so improved being required to macadamize or otherwise pave, as the said the mayor and aldermen of the city of Savannah may direct, the width of its track and two feet on each side of every line of track.

Grading,
paving,
etc., any
portion of
the width
of streets.

Assess-
ments for.
Street
railroad
companies.

SEC. III. *Be it further enacted by the authority aforesaid*, That the frontage of intersecting streets and lanes shall be assessed as real estate abutting upon the street paved or otherwise improved, and the mayor and aldermen shall be, for all the intents and purposes of this Act, an owner or legal representative of real estate abutting on any street, shall possess the same rights and privi-

Frontage
of inter-
secting
streets and
lanes to be
assessed.

Additional Assistant Tax Receiver and Assessor for Atlanta.

Mayor and
aldermen
representa-
tives of
abutting
real estate
Payment of
their pro-
rata
Renewals
or repairs.

leges as all other owners of real estate abutting on any street, according to the frontage owned, and shall pay from the city treasury, the just *prorata* of the entire cost of said work for the said frontage.

Expenses
of.

SEC. IV. *Be it further enacted by the authority aforesaid.* That the said the mayor and aldermen of the city of Savannah shall have full power and authority to renew or repair any pavement now laid or that may hereafter be laid, in the city of Savannah, at the expense of said city and of the owners of real estate abutting on such streets, and of a street railroad now traversing, or which may hereafter traverse streets, in which the pavements to be renewed or repaired are laid, one-third of the expenses of such renewal or repair to be borne by the city, the other two-thirds to be borne by the owners of real estate abutting on such streets—the street railroad traversing such street being required to renew or repair the width of its track and two feet on each side of every line of track.

Powers
conferred
by Act of
September
5, 1885, con-
firmed.

SEC. V. *Be it further enacted by the authority aforesaid,* That all the powers conferred upon the mayor and aldermen of the city of Savannah under the Act approved September 5th, 1885, and to be found on pages 362, 363 and 364 of the published laws of 1884-'85, are hereby confirmed, and nothing herein contained shall be taken or held as abridging or diminishing any powers in said Act contained.

SEC. VI. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 1st, 1887.

ADDITIONAL ASSISTANT TAX RECEIVER AND ASSESSOR
FOR ATLANTA.

No. 268.

An Act to amend an Act establishing a new charter for the city of Atlanta, approved February 28th, 1874, and the several Acts amendatory thereof, so as to provide for the election and service of another assistant tax receiver and assessor of said city, making three assistant tax receivers and assessors of said city instead of two as at present.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That an Act establishing a new charter for the city of Atlanta, ap-

Amending Charter of Warrenton.

proved February 28th, 1874, and the several Acts amendatory thereof, be, and the same are hereby amended, so as to hereby provide that the mayor and general council of said city shall, at the first or second regular meeting of said body after the approval of this Act, elect an assistant tax receiver and assessor, who shall hold his office until the first Monday in July, 1889, when, and every two years thereafter, his successor shall be elected, so as to make the number of assistant tax receivers and assessors of said city three instead of two as heretofore.

Additional assistant tax receiver and assessor.

When to be chosen.

Term of.

SEC. II. The duties of the assistant tax receiver and assessor created by this Act, shall be the same as that of that of the two assistant tax receivers and assessors heretofore created by law; his compensation shall be fixed in like manner, and he shall take the same oath and give the same bond and perform the same service as said named officers already serving.

Compensation, oath and duties, bond of.

SEC. III. Nothing in this Act shall be construed to relieve the tax receiver and collector of said city of any duty or service heretofore devolving on him by law,

Tax receiver and assessor not relieved of present duties.

SEC. IV. All laws or parts of laws in conflict with this Act are hereby repealed.

Approved October 3rd, 1887.

AMENDING CHARTER OF WARRENTON.

No. 297.

An Act to amend the charter of the town of Warrenton so as to extend the corporate limits of the town three hundred yards farther in every direction from the court-house, and so as to strike out the exception that exempts from taxation all lots or fields of five acres or more, which are owned or held for farming purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the corporate limits of the town of Warrenton, Georgia, be extended twelve hundred yards from the court-house down the Macon and Augusta Railroad towards Camak, and twelve hundred yards from the court-house towards Camak on the public road running from Warrenton to Camak, so as to include the Sallie Hill cemetery, and all the land lying between these two lines.

Corporate limits extended.

SEC. II. *Be it further enacted*, That Section VI. of said Act be amended by striking out the words "all lots or fields of five acres or more, which are owned and held for farming purposes excepted," which occur between the words "description," in the eighth

Exemptions from taxation repealed.

 Punishment of Offenders Against Ordinances of Thomasville.

line and the words "in the said town," in the tenth line of said section, so that part of said section shall read as follows: "And all owners of other taxable property of whatever description in said town shall pay a tax such as the commissioners may assess," etc.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 8th, 1887.

 PUNISHMENT OF OFFENDERS AGAINST ORDINANCES OF THOMASVILLE.

No. 317.

An Act to amend an Act, approved March 3d, 1874, entitled "an Act incorporating the town of Thomasville, and to grant certain privileges to the same, and define its limits," so as to empower the mayor or mayor *pro tem.*, to punish offenders by sentencing them to work on the streets or other public works of the the town, in addition to the powers already conferred by said Act.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That from and after the passage of this Act, that an Act approved March 3d, 1874, entitled "an Act incorporating the town of Thomasville, and to grant certain privileges to the same and define its limits," be amended by inserting after the word "imprisonment," in the sixth line of the printed Act, the words "or by sentencing the offenders to work on the streets or other public works of the town," so that said section, when so amended, shall read as follows: "Section 22d. *Be it further, etc.*, That the mayor of the town of Thomasville may hold a police court for the trial and punishment of all violations of the law and ordinances of said town, which court shall be held from time to time, as the mayor and council may ordain. And said court shall have power to enforce its judgments by fine or imprisonment, or by sentencing the offenders to work on the streets or other public works of the town," the remainder of said section to read as it now does.

SEC. II. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 13, 1887.

•Offenders
may be
sentenced
to work on
streets, etc.

AMENDING CHARTER OF TOWN OF CHOOKIE.

No. 321.

An Act to ratify and confirm, and also to amend the charter of the town of Chookie, Lee county, State of Georgia.

SECTION I. *Be it enacted by the General Assembly of Georgia,* Charter granted by Lee Superior Court confirmed. That the charter of the town of Chookie, Lee county, Georgia, granted at the November adjourned term, 1884, of Lee Superior Court, of the Southwestern circuit, be confirmed, and ratified and the same be of force in accordance with laws of this State.

SEC. II. *Be it further enacted,* Number of councilmen reduced. That said charter be amended that instead of five (5), three (3) persons, including mayor, be, and the same are constituted the town council of Chookie, Lee county, Georgia.

SEC. III. *Be it enacted,* That all laws and parts of laws in conflict herewith, the same be, and are hereby repealed.

Approved October 13, 1887.

EXTENDING CORPORATE LIMITS OF AMERICUS.

No. 322.

An Act to amend an Act to amend and revise the several Acts granting corporate authority to the city of Americus, approved February 22nd, 1873, and the several Acts amendatory thereof, extending the corporate limits of the city of Americus northward up the Southwestern Railroad track, and south of the same, so as to embrace within the corporate limits of the city of Americus the lands recently purchased by the city for water-works, and its vicinity, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of Georgia,* Corporate limits extended. *and it is hereby enacted by the authority of the same,* That the corporate limits of the city of Americus are hereby extended northward up the Southwestern Railroad track, and south of said track, so as to include and embrace within the corporate limits of the city of Americus the lands purchased by said city for the use of water-works the lands in its vicinity, and more particularly described as follows, to wit: commencing at a point on the present northern boundary of the city of Americus five (500) hundred.

Amending Charter of Griffin.

yards east of the track of the Southwestern Railroad track, and extending northeast on a line parallel with the said Southwestern Railroad track until its intersection with the north line of lot of land number one hundred and forty four (144), in the 27th district of Sumter county, and thence due west along the said north line of said lot 144 until its intersection with the track of the Southwestern Railroad, thence southwest along said railroad track to its intersection with the present boundary of the city, and thence easterly along and around the present limits of the city of Americus to the starting point. And the said mayor and city council of Americus are hereby empowered to pass such ordinances for the good order and government and protection of said property within said limits as may seem to them proper, and generally to govern and control the same in as full and ample a manner as any other portion of the present limits of the city of Americus.

Govern-
ment, etc.,
of new ter-
ritory.

SEC. II. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict herewith are hereby repealed.

Approved October 13, 1887.

AMENDING CHARTER OF GRIFFIN.

No. 323.

An Act to amend the charter of Griffin, and the various Acts amendatory thereof, so that the mayor and council shall be authorized to levy a tax of one-fourth of one per centum upon all property, real and personal, within the corporate limits of said city, for the purpose of maintaining a system of gas and water-works in and for said city; also to prevent the mayor and council from levying and collecting for all purposes more than one and thirty-five one-hundredths per centum per annum upon all property in said city, to be appropriated as follows: For current expenses, twenty-five one-hundredths per centum; for bonded debt and interest thereon, sixty one-hundredths per centum; for public schools, twenty-five one-hundredths per centum; for gas and water-works, twenty-five one-hundredths per centum.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, the charter of the city of Griffin, and the Acts amendatory thereof, authorizing the

Registration of Voters in Town of Waycross.

mayor and council to levy certain taxes upon property in said city, limiting the amount of the same and providing how the money so raised shall be appropriated, be amended and altered so that the mayor and council shall be authorized to levy and collect a tax of one-fourth of one per centum upon all property, real and personal, within the corporate limits of said city, for the purpose of maintaining a system of gas and water-works in and for said city.

Authorized to tax for gas and water-works.

SEC. II. *Be it further enacted*, That the mayor and council of said city shall not levy and collect for all purposes a tax of more than one and thirty-five one-hundredths per centum per annum upon all property in said city—the tax collected to be appropriated as follows, or so much thereof as is necessary: For current expenses, twenty-five one-hundredths per centum; for bonded debt and interest thereon, sixty one-hundredths per centum; for public schools, twenty-five one-hundredths per centum; for gas and water-works, twenty-five one-hundredths per centum.

Restriction as to ad valorem tax.

How to be appropriated.

SEC. III. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 13, 1887.

REGISTRATION OF VOTERS IN TOWN OF WAYCROSS.

No. 332.

An Act to amend the charter of the town of Waycross, in the county of Ware, so as to provide for the registration of the voters of said town; to prescribe the manner thereof, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the clerk of the town council of Waycross shall keep a book, in which he shall enter the names of all persons who are citizens of said town, and otherwise entitled to vote in the election of officers of said town. For the purpose of registering the names of such persons he shall keep his office open at least six hours each day, Sundays excepted, from the first day of November until the first day of December thereafter of each and every year.

Registration book.

Time for registry.

SEC. II. *Be it further enacted by the authority aforesaid*, That each and every person applying to be registered shall, be-

Oath of applicants.

Registration of Voters in Town of Waycross.

fore he is registered, take the following oath before the clerk (who is hereby authorized to administer the same), to wit: "I do solemnly swear (or affirm) that I am a citizen of the United States, and that by the time of the next coming popular election in the town of Waycross I shall have resided in the State of Georgia one year and in the town of Waycross six months, and that I am twenty-one years of age, and have paid all legal taxes required of me and which I have had an opportunity of paying."

Book to be furnished election managers. SEC. III. *Be it further enacted*, That it shall be the duty of such clerk to furnish the book of registration herein provided for, which shall be made out alphabetically, to the managers of any and all municipal elections held within twelve months next succeeding the completion of such registry.

Penalty for false swearing. SEC. IV. *Be it further enacted*, That any person knowingly swearing falsely to procure the registry of his name as herein provided shall be deemed guilty of false swearing, and on conviction shall be punished as is prescribed for such offences.

What persons not registered may vote. SEC. V. *Be it further enacted*, That no person whose name does not appear on said register shall be permitted to vote at any election for municipal officers of said town unless he will swear, in addition to the oath herein required, "that he has made application for registry as herein provided, and that registration was refused, or that he was prevented from registering by illness or other unavoidable cause." And said clerk shall keep a separate book, in which he shall record the names of persons refused registration and the reason therefor. Any person voting at said election who was not entitled to register or vote as herein prescribed shall be guilty of a misdemeanor, and on conviction punished as prescribed in section 4310 of the Code of Georgia.

Book for names of those refused registration.

Illegal voting.

Remedy for refusal to register. SEC. VI. *Be it further enacted*, That if any person making application for registry shall be refused the right to register, he shall have the right to appeal to the mayor and council, who shall hear and determine the question of his qualification and his rights to register and to vote.

Notice as to registration. SEC. VII. *Be it further enacted*, That the notice of the opening of such book of registration for the present year, 1887, shall be given in the newspapers published in said town once a week for four weeks prior to the time fixed for the opening of said books, and the notice of future registration shall be published in the paper doing the town printing for at least thirty days before the time fixed for the opening of said books.

SEC. VIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15, 1887.

 Extending Corporate Limits of Sparta.

EXTENDING CORPORATE LIMITS OF SPARTA.

No. 334.

An Act to extend the corporate limits of the town of Sparta, in the county of Hancock ; to provide for its government, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* Corporate limits extended. That from and after the passage of this Act, the corporate limits of said town of Sparta shall be as follows: Beginning at a point one-half mile due north of the court-house, in the town of Sparta, running due east one mile to a point, thence due south one mile to a point, thence due west two miles to a point, thence due north one mile to a point, thence due east one mile to the point of beginning.

SEC. II. *Be it further enacted by the authority of the same,* Rights, etc. of residents in new territory. Duties, etc. That from and after the passage of this Act, that all the residents within said limits shall be entitled to all the rights and privileges of citizens of said town, and shall be subject to all the duties, liabilities and requirements of such citizenship under the Constitution and laws of this State, the charter and municipal ordinances of said town.

SEC. III. *Be it further enacted,* Municipal government. That the municipal government of the town of Sparta shall consist of a mayor and four aldermen, with all the powers conferred by the charter and amendments thereto of the town of Sparta. That the corporate powers of said town shall be vested in said mayor and aldermen, who shall be elected on the first Monday in May next, and on the same day in every year thereafter, and that said mayor and aldermen shall hold their offices for one year or until their successors are qualified; and all citizens who are qualified to vote for members of the General Assembly shall be qualified to vote in said elections for mayor and aldermen. Elections. Terms of office. Voters.

SEC. IV. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15th, 1887.

WATER-WORKS FOR DALTON.

No. 335.

An Act to authorize the mayor and council of the city of Dalton to operate and manage water-works in said city.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, said mayor and council shall have power and authority to control and operate water-works in said city in such way and manner as to them may seem best, and for such purpose they may employ competent engineers and superintendents, at such times and at such salaries as may be agreed upon by said mayor and council.

Power to control and operate water-works.

SEC. II. *Be it further enacted,* That all money collected for water-rents, and any other income from said water-works, shall be paid as collected to the clerk of the council, and by him paid into the city treasury; and the funds necessary to carry on said water-works shall be paid out of the city treasury on orders of the mayor and council.

Appropriation of income.

SEC. III. *Be it further enacted,* That the annual appropriation for water shall never exceed the estimated income, except where it may become necessary, to be judged of by the mayor and council.

Annual appropriation for.

SEC. IV. *Be it further enacted,* That said mayor and council shall regulate the distribution and use of the water in all places and for all purposes, where the same may be required, and from time to time shall fix the price thereof, and the time of payment; and they shall erect such number of public hydrants in such places as they may see fit, and direct in what manner and for what purposes the same may be used, all of which they may change at their discretion.

Water rates, etc.

SEC. V. *Be it further enacted,* That said mayor and council shall have full power and authority to require the payment, in advance, for the use or rent of water furnished by them in or upon any building, place or premises, and in case prompt payment shall not be made, they may shut off the water from such building, place or premises, and shall not be compelled to supply said building, place or premises with water until such arrears, with accrued interest thereon, shall be fully paid.

Enforcement of payment of rents, etc.

SEC. VI. *Be it further enacted,* That said mayor and council shall make no contracts for the price of using water for a longer period than two years, and at the expiration of any term or lease

Limitation as to contracts.

Amending Charter of Belton.

the price paid for the use thereof shall be adjusted according to the regulations then established.

SEC. VII. *Be it further enacted*, That if any person or persons shall willfully or maliciously divert the water, or any portion thereof, from said works, or shall corrupt or render the same impure, or shall injure or destroy any canal, aqueduct, pipe, hydrant, conduit, machinery, or other property used or required for procuring or distributing water, such person or persons, their aiders and abettors, shall forfeit to the said mayor and council, to be recovered in an action of trespass, treble the amount of damages, besides cost of said suit, which shall appear on trial to have been sustained; all such acts are declared to be misdemeanors under the laws of this State, and the parties found guilty thereof may be punished as prescribed in section 4310 of the Code of said State. Penalty for interfering with water, etc.

SEC. VIII. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15, 1887.

AMENDING CHARTER OF BELTON.

No. 336.

An Act to amend an Act entitled an Act to incorporate the town of Belton, in the counties of Hall and Banks, and for other purposes, by striking from the eighth and ninth lines of section four (4) of said Act the words "who is not qualified to vote for members of the General Assembly of this State," and insert in lieu thereof the words, "who is not twenty-one years old, and who has not paid all taxes which have been required of him, and which he has had an opportunity to pay, and who has not resided within the corporate limits of said town for six months next preceding said election ;" also by adding to the ninth (9) section of said Act the words, "they shall also have power to make such assessments and levy such taxes on the inhabitants of said town who transact or offer to transact business therein, and on such persons as live without the limits of said town, but who transact or attempt to transact business therein, as said mayor and councilmen may deem expedient for the safety, benefit, convenience and advantage of said town."

Amending Charter of Belton.

Sec. 4 of
charter
amended.

Qualifica-
tion for of-
fice and of
voters.

Section as
amended.

SECTION I. *Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, section fourth (4) of an Act entitled an Act to incorporate the town of Belton, in the counties of Hall and Banks, be and the same is hereby amended by striking from the eighth (8) and ninth (9) lines of said section the words, "who is not qualified to vote for members of the General Assembly of this State," and inserting in lieu thereof the words, "who is not twenty-one years old and who has not paid all the taxes which have been required of him, and which he has had an opportunity to pay, and who has not resided within the corporate limits of said town for six months next preceding said election," so that said section, when amended, shall read as follows: "That on the second Tuesday in December, 1879, and annually thereafter on the same day, an election shall be held in the council chamber in said town for a mayor and five councilmen, who shall hold their offices for one year and until their successors are elected and qualified; but no one shall vote for, or be eligible to the office of mayor or councilman of said town who does not reside within the corporate limits thereof, and who is not twenty-one years old, and who has not paid all taxes which have been required of him, and which he has had an opportunity to pay, and who has not resided within the corporate limits of said town for six months next preceding said election. Said election shall be held and conducted in the same manner as elections for county officers in this State, and the certificate of the managers shall be sufficient authority to the persons elected to enter on the discharge of the duties of the office to which they have been elected.

Sec. 9
amended.
Business
taxes.

Section as
amended.

SEC. II. *Be it further enacted,* That section nine (9) of said Act be amended by adding to said section the words, "they shall also have power to make such assessments and levy such taxes on the inhabitants of said town who transact, or offer to transact, business therein, and on such persons as live without the limits of said town, but who transact, or attempt to transact, business therein, as said mayor and councilmen may deem expedient for the safety, benefit, convenience and advantage of said town," so that said section, when amended, shall read as follows: "That said mayor and councilmen shall have power to levy and collect a tax not exceeding three-tenths of one per cent. upon all property, both real and personal, within the corporate limits of said town. They shall also have power to require all persons within said corporate limits, who are subject to road duty under the laws of this State, to work on the streets of said town, or they may prescribe a commutation tax which may be paid in lieu of work on the streets. They shall also have power to make such assessments and levy

Amending Charter of Adairsville.

such taxes on the inhabitants of said town, who transact, or offer to transact, business therein, and on such persons as live without the limits of said town, but who transact, or attempt to transact, business therein, as said mayor and councilmen may deem expedient for the safety, benefit, convenience and advantage of said town.

SEC. III. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15th, 1887.

AMENDING CHARTER OF ADAIRSVILLE.

No. 337.

An Act to amend an Act to amend the existing charter of the town of Adairsville, in Bartow county, and for other purposes, approved August 27th, 1872, and to confer additional powers upon the commissioners of said town.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That the municipal government of the town of Adairsville shall consist of a mayor and four (4) aldermen, who are hereby constituted a body corporate under the name and style of the Mayor and Council of the Town of Adairsville, and by that name and style shall have perpetual succession, shall have a common seal, and be capable in law and equity to purchase, have, hold, receive, enjoy, possess and retain, to them and their successors, for the use of the town of Adairsville, any estate or estates, real or personal, of whatever kind or nature, within the jurisdictional limits of said town of Adairsville, and shall, by the same name, be capable to sue and be sued in any court of law or equity in the State, and shall succeed to all rights and liabilities of the present corporation of the town of Adairsville, and the corporate limits of the town shall be one-half ($\frac{1}{2}$) mile in all directions from the depot of the Western and Atlantic railroad in said town, the said depot to be the center of the corporate limits of said town of Adairsville, and the corporate limits to extend one-half ($\frac{1}{2}$) mile therefrom in each and every direction.

SEC. II. *Be it further enacted by the authority aforesaid*, That the legal voters of said town shall, on the first Saturday in January, 1888, and on the first Saturday in January in each year thereafter, elect a mayor and four (4) aldermen to serve for one year and until

Amending Charter of Adairsville.

Polls. their successors are elected and qualified, the poles of which election shall be opened at nine (9) o'clock in the forenoon and closed at four (4) o'clock in the afternoon.

Qualifications of voters. SEC. III. *Be it further enacted by the authority aforesaid,* That all male citizens qualified to vote for members of the General Assembly, and who shall have paid all taxes legally imposed and demanded by the authorities of said town of Adairsville, and shall have resided six months within the jurisdictional limits of said town, and no other person, shall be qualified to vote at said election for mayor and aldermen.

Conduct of election. SEC. IV. *Be it further enacted by the authority aforesaid,* That the said election shall be held under the superintendence of a justice of the peace and two (2) freeholders, or of three (3) freeholders, and each of said freeholders, before entering upon his duties, shall take an oath before some justice of the peace, or before each other, that he will faithfully and impartially conduct said election and prevent all illegal voting, to the best of his skill and power, and, in case the said manager, of said election shall have any reasonable doubts as to the qualifications of any voter, they shall have power to administer the following oath: "You do solemnly swear that you have attained the age of twenty-one (21) years, that you are a citizen of the United States, and of the State of Georgia, and have resided for the last six months past within the jurisdiction of the corporation of Adairsville, and have paid all taxes legally imposed and demanded of you by the town council of Adairsville. So help you God." And any person who shall take either of said oaths, and shall have sworn falsely, shall be liable to indictment and punishment for perjury.

Oath of voters.

False swearing.

Persons elected. SEC. V. *Be it further enacted by the authority aforesaid,* That the person or persons who shall receive the highest number of votes at said election for mayor and aldermen, respectively, shall be declared duly elected.

Vacancies. SEC. VI. *Be it further enacted by the authority aforesaid,* That in case of any vacancy among the members of council, either by death, resignation, failure to elect, removal from office, or removal from the town, the mayor shall advertise another election to fill the vacancy; and in case of the death of the mayor, his resignation, removal from office, removal from the town, council shall order an election for filling the vacancy, in each case giving ten days notice in the newspapers of the town, if any be published, and if not, then by posting notices for ten days at two (2) public places.

Disposition of tally-sheets, etc. SEC. VII. *Be it further enacted by the authority aforesaid,* That after the votes of mayor and aldermen at any election shall have been counted by the managers, they shall cause two certified

copies of the tally-sheets to be made out, one of which shall be handed to the mayor for the time being, and the other shall be retained by the managers, and as soon as the mayor, as aforesaid, shall be informed of the result of said election, he shall cause the persons elected to be notified of the same, and the persons elected and so notified shall attend on the first Monday thereafter at the council chamber for the purpose of organizing the council, and the mayor and each member of the council shall take and subscribe before a justice of the peace the following oath: "I, A. B., do solemnly swear that I will, to the best of my ability, discharge the duties of mayor or member of council (as the case may be) of the town of Adairsville, during my continuance in office; so help me God," and shall forthwith enter upon the duties of their offices. Oath of office.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That the said mayor and council of the town of Adairsville shall have power to appoint a marshal and such officers of the town as they may deem necessary and proper, and shall have power to regulate the time and manner of electing said officers; to establish their fees and salaries; to take their bonds; to prescribe their duties and oaths, and to remove them from office for a breach, neglect or incapacity to discharge the said duties at their discretion. Subordinate officers.

SEC. IX. *Be it further enacted by the authority aforesaid,* That the mayor and each member of council shall be *ex officio* justices of the peace, so far as to authorize them to issue warrants for offences committed within the corporate limits of Adairsville against the penal laws of this State. Mayor and council-men ex officio magistrates.

SEC. X. *Be it further enacted by the authority aforesaid,* That the mayor and council shall have power to organize a mayor's court, or acting mayor shall preside therein, and hold sessions daily, or as often as may be necessary. Said court shall have cognizance of all offences against the ordinances of the town, and may punish all violations of such ordinances by fine not to exceed fifty (\$50), dollars or imprisonment not to exceed thirty (30) days or by compulsory work upon the streets not to exceed twenty (20) days, any one or all, in the discretion of the presiding officer of said mayor's court, but said mayor and council shall have power to pass all ordinances necessary and proper to carry into effect the powers therein granted. Mayor's court, etc.

SEC. XI. *Be it further enacted by the authority aforesaid,* That the mayor shall have power in his court, if the offence charged against a prisoner be beyond his jurisdiction, to examine into the facts of the case and commit the offender or offenders to jail, or bail them if the offence be bailable by a justice of the peace Mayor may bail or commit offenders.

Amending Charter of Adairsville.

under the laws of the State to appear before the Superior Court of Bartow county.

Power as to streets, etc. SEC. XII. *Be it further enacted by the authority aforesaid,* That the mayor and council shall have full power to open and improve new streets upon payment for the land appropriated for the same according to the mode prescribed by law for opening out new roads under the road laws of this State, and repair those already open, to remove or cause to be removed any building, post, steps, fence or other obstructions or nuisances in the public streets, lanes or alleys, sidewalks or public squares in said town of Adairsville. They shall further have power to establish a market in said town, and to pass such ordinances as may be necessary and proper for the protection and regulation of same. They shall have power to license drays and regulate the same.

Market.
Ordinances.
Drays.

ale of quors. SEC. XIII. *Be it further enacted by the authority aforesaid,* That the mayor and council of Adairsville shall have the sole and exclusive right to grant license to retail liquor in the town of Adairsville, and affixing the rate of such license and the terms upon which they shall be issued, of declaring such license void when said terms are not complied with; they shall also have power to license, regulate and control all ten-pin alleys and billiard saloons within the town, and to remove the same whenever they become a nuisance in the neighborhood. They shall have power to tax all theatrical performances, exhibitions or shows of any kind within the corporate limits of said town.

Ten-pin alleys, etc.
Shows, etc.

Secretary and treasurer. SEC. XIV. *Be it further enacted by the authority aforesaid,* That the mayor and council shall, at their first meeting, elect a secretary and a treasurer from their body, each of whom shall give bond, with good and sufficient security, in the sum of not less than two hundred (\$200) dollars conditioned for the faithful performance of their duties, respectively, and shall take an oath to perform to the best of their skill and power the duties of their offices respectively.

Bond.
Oath.

Ad valorem tax. SEC. XV. *Be it further enacted by the authority aforesaid,* That the mayor and council shall have power to levy an *ad valorem* tax, not to exceed one-half of one per cent., upon the taxable property within the corporate limits of said town made taxable by the laws of this State. It shall be the duty of the secretary to receive the returns of all taxable property returned to him, and to make out a schedule of all property within said corporation liable to taxation not returned at such time and in such manner and under such regulations as may be prescribed by ordinances of the council, and it shall be the duty of the marshal to collect such tax at such time and in such manner as may be prescribed by ordinances or otherwise. It is also made the duty

Amending Charter of Adairsville.

of the secretary to scan the returns made and see that the value placed on said property by the tax-payer is fair and reasonable. Should a difference arise between the secretary and any tax-payer concerning the value of property given in, such difference shall be settled as is prescribed in the Code of Georgia for settling such differences between the taxpayers and tax receivers of this State.

SEC. XVI. *Be it further enacted by the authority aforesaid,* That ^{Enforce-} if any person shall refuse to pay the tax imposed according to ^{ment of} this Act, and the ordinances made in pursuance thereof, the ^{tax.} secretary shall issue an execution, which shall be signed by him and bear test in the name of the mayor. Such execution shall bind all the property which said defaulting tax-payer owned in said town on the first day of April of the year in which it is returned for taxation. Such execution shall be directed to and enforced by the marshal of said town, but in case real estate is levied upon, it shall be the duty of the marshal to advertise the sale as sheriff's sales are now advertised.

SEC. XVII. *Be it further enacted by the authority aforesaid,* That ^{Liquor li-} the mayor and council shall have power to license persons to sell ^{cence.} by retail, or in any quantity, spirituous or malt liquors, such license not to be issued for a shorter or longer time than one year. The person or persons desiring to engage in the business of selling spirituous or malt liquors shall make written application for license so to do, and upon considering such application, the mayor and council may grant or refuse the same, and no person shall sell, by retail, any spirituous liquors within said corporation without first obtaining such license, for which he or they shall pay a sum not exceeding five hundred (\$500) dollars. And no person or persons shall sell spirituous liquors within said corporation by the quart, or in larger quantities, without first obtaining license, for which he shall pay a sum not exceeding two hundred and fifty (\$250) dollars. And no person shall retail beer or other malt liquors within said corporation without obtaining a license therefor, for which he shall pay a sum not exceeding one hundred (\$100) dollars. All licenses taken under this section shall be taken subject to the control of the mayor and council as in this section authorized, and subject to such ordinances as may be enacted by the mayor and council in accord with this Act; and any person violating any of the provisions of this Act, or of such ordinances, shall be dealt with as is prescribed in the tenth (10th) section of this Act.

SEC. XVIII. *Be it further enacted by the authority aforesaid,* ^{Speci-} That the mayor and council shall have power and authority, ^{taxes.} in addition to the *ad valorem* tax hereinbefore provided for, to levy a tax on all billiard tables, ten-pin alleys, nine-pin alleys and

Amending Charter of Adairsville

tables and alleys of any other kind used for the purpose of playing on with balls or pins, within said corporation, and on all contrivances of every sort, used for the purpose of gaming or carrying on a game of chance, by selling cards, tickets, or numbers, or by turning a deal or wheel, or by using any other artifice or contrivance. They shall also have authority to levy a tax not exceeding one hundred (\$100) dollars upon all circuses, sleight-of-hand performances, tricks of legerdmain and other shows taxed by the laws of the State, which may exhibit within said corporation, such tax to be for each exhibition and to be collected, if not paid voluntarily, by execution, levy and sale as provided in this Act for the collection of other taxes. They shall also have power to grant license and fix the charge thereof, not to exceed fifty (\$50) dollars per annum to auctioneers. The mayor and council may provide for the manner in which any of the special taxes authorized by this charter and any of the licenses herein provided for, may be issued and used, and any persons violating the provisions of this Act, or the ordinances enacted in accordance therewith, shall be dealt with as prescribed in the tenth (10) section of this Act.

Duty of
treasurer.

SEC. XIX. *Be it further enacted by the authority aforesaid,* That the treasurer shall receive all moneys due the corporation from any and all sources, and pay the same out upon orders drawn by the secretary, said orders being countersigned by the mayor, or in his absence, by the mayor *pro tem.*; said treasurer shall keep a book which shall at all times be subject to inspection by the council or any person resident in said corporation, which books shall show what amount of money remains in his hands, and from what sources received, and what moneys have been by him paid out, and upon what account, and shall preserve all orders by him paid off as vouchers, and he shall do and perform all others duties relative to the finances of the town prescribed by ordinances of council, and in the manner prescribed; *Provided,* such ordinances are not inconsistent with the provisions of this Act.

Of secre-
tary.

SEC. XX. *Be it further enacted by the authority aforesaid,* That the secretary shall perform all clerical duties and other duties assigned him by the council, as well as the duties hereinbefore assigned him, and shall be guided in the performance of his duties by the ordinances of council not in conflict with this Act or the laws of this State.

Of mar-
shal.

SEC. XXI. *Be it further enacted by the authority aforesaid,* That the marshal, in addition to the duties hereinbefore assigned him, perform such other duties, in the sphere of his duties as marshal, as may be assigned him by the mayor and council in

consonance with the provisions of this charter and ordinances of council not inconsistent herewith.

SEC. XXII. *Be it further enacted by the authority aforesaid,* ^{Street work.} That the mayor and council of said town shall have power and authority to call out, or to provide for calling out, each and every male person subject to road duty under the laws of this State, who reside within the corporate limits of said town, who shall be compelled to work upon the streets or sidewalks of said town for the number of days in each year as is now fixed by the road laws of this State; and when any person liable to such street or road duty shall have been duly notified, according to the road laws of this State, to work on said streets, by the marshal or other person or officer on whom the by-laws of said town may devolve this duty, shall in any way make default by failing to appear at the time and place specified in said notification, or to work as required by the present road laws of this State, or in any other manner shall make default in relation thereto, such person shall be notified to appear before the mayor and council to show cause why he should not be fined for such default, and at the time appointed by the mayor and council shall try the said defaulter, and if found guilty of such default they may impose a fine on such defaulter to the same extent that the road commissioners of this State may fine defaulters under the present road laws of this State, which fine or fines, if not paid immediately, or within such time as the mayor and council may fix, such defaulter may be, by order of the mayor and council, imprisoned in the jail or in the calaboose of the county not exceeding two (2) days for each dollar of the fine so imposed. Said mayor and council shall have power to fix, by ordinance, a commutation tax or sum of money not to exceed ten (\$10) dollars, which, when paid by the person liable to work on the streets, shall exempt such person from any other road or street duty for the year for which it is paid; but no person shall have the right to relieve himself from the penalty of default, as aforesaid, by paying or offering to pay such commutation tax without the consent of the mayor and council.

SEC. XXIII. *Be it further enacted by the authority aforesaid,* ^{Ordinances, etc.} That the mayor and council shall have full power and authority to make and establish such by-laws, rules, regulations and ordinances respecting streets, lanes and alleys, markets, drays, auctioneers and the regulating of disorderly people, and in general every by-law, regulation, rule or ordinance that shall appear necessary or requisite for the security, welfare, health and convenience of said town of Adairsville, or preserving the peace, order or good government of the same; and they are also vested with

Incorporating Town of Tarver.

all the powers and authority within the jurisdiction of said corporation, which by-laws are vested in the commissioners of roads, with the additional powers hereinbefore conferred on the subject-matter of street defaulters.

Existing
ordinances
re-
tained.

SEC. XXIV. *Be it further enacted by the authority aforesaid,* That until ordinances, by-laws, shall be adopted in conformity with this charter, those now of force within said corporation, not inconsistent herewith, shall remain of force.

Present
town gov-
ernment
retained,
etc.

SEC. XXV. *Be it further enacted by the authority aforesaid,* That the organization of the town government of Adairsville shall remain as it now is, except as it may be changed to conform to this charter, until the first annual election under this charter, but the officers of said corporation shall be governed by and conform to the provisions of this charter so far as the same may be practicable, and any ordinance or by-law that may be adopted in conformity to this charter shall be of force and take effect from and after the same shall have been published in two public places in said corporation, or after one insertion in the newspaper in which the sheriff's advertising for said county is done.

Publi-
cation of or-
dinances.

SEC. XXVI. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15, 1887.

INCORPORATING TOWN OF TARVER.

No. 339.

An Act to incorporate the town of Tarver, in the county of Echols, and for other purposes.

Charter.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act the following shall be the charter of the town of Tarver, in the county of Echols.

Corporate
limits.

SEC. II. *Be it further enacted,* That the corporate limits of said town shall extend one mile each way from the depot of the Live Oak Branch of the S. F. & W. railroad in said town.

Govern-
ment.

SEC. III. *Be it further enacted,* That the government of said town shall be vested in a mayor and three councilmen, who shall have resided in said town six months or more previous to the election.

Provision-
al officers.

SEC. IV. *Be it further enacted,* That T. B. Clayton be, and he is hereby appointed mayor, and David Barnes, H. J. Collier and

Incorporating Town of Tarver.

William Lee are hereby appointed councilmen of said town of Tarver, said mayor and councilmen to hold their office until the first annual election, as hereinafter provided, and until their successors are duly elected and qualified.

SEC. V. *Be it further enacted*, That on the first Saturday in January, 1888, and annually thereafter on the same day, an election shall be held in said town for mayor and three councilmen, who shall hold their office for the term of one year and until their successors are elected and qualified, but no one shall vote for or be eligible to the office of mayor or councilmen of said town who is not qualified to vote for members of the General Assembly of this State. Said election shall be held and conducted in the same manner as election for county officers in this State, and certificate of managers shall be sufficient authority to the persons elected to enter on the discharge of the duties of the offices to which they have been elected.

Annual elections.

Term of office.

Qualifications for office and of voters.

Conduct of elections, etc.

SEC. VI. *Be it further enacted*, That before entering upon the discharge of their duties the mayor and councilmen shall subscribe the following oath, which may be administered by any person authorized by law of this State to administer oaths: "I do solemnly swear that I will faithfully discharge all the duties devolving upon me as mayor (or councilman, as the case may be) of the town of Tarver according to the best of my ability. So help me God."

Oath of office.

SEC. VII. *Be it further enacted*, That said mayor and council shall have power and authority to pass all ordinances and by-laws which they may deem necessary for the good government of said town; *Provided*, they be not repugnant to the Constitution and laws of this State and of the United States.

Ordinances, etc.

SEC. VIII. *Be it further enacted*, That said mayor and council shall have power and authority to levy and collect a tax of not exceeding three-tenths of one per cent. upon all property, both real and personal, within the corporate limits of said town. They shall also have power to lay out streets and lanes and require all persons within the corporate limits of said town who are subject to road duty to work on the streets of said town, or they may prescribe a commutation tax in lieu of work on the streets.

Ad valorem tax.

Street, etc.

SEC. IX. *Be it further enacted*, That the said mayor and council shall have power and authority to regulate the sale of spirituous liquors in said town, to grant licenses and to fix the fees for the same when granted, not inconsistent with the laws of said State of Georgia now of force in said county, and to impose penalties upon persons selling without licenses.

Sale of liquors.

SEC. X. *Be it further enacted*, That said mayor, and if from any cause he fail to act, any two of said councilmen are author-

Mayor's court.

Incorporating Town of Ocean City.

ized to try and punish any person charged with violation of any ordinance of said town, and to punish persons proven guilty of such violation by fine not to exceed fifty dollars or imprisonment not to exceed twenty days.

SEC. XI. *Be it further enacted,* That said mayor and councilmen be, and they are hereby vested with power to prescribe such rules for the collection of taxes, fines, and all other moneys due to said corporation, and for the enforcement of all other powers herein given them, as in their judgment may seem proper

Collection
of taxes,
etc.

SEC. XII. *Be it further enacted by authority aforesaid,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15th, 1887.

INCORPORATING TOWN OF OCEAN CITY.

No. 341.

An Act to incorporate the Town of Ocean City, on Tybee Island, in Chatham county; to grant certain powers and privileges to the same, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That all persons, citizens of the State of Georgia, who are property owners on that portion of Tybee Island hereinafter more particularly mentioned, are hereby declared and created a body politic and corporate, and such incorporation shall be known as the Town of Ocean City; it shall have a common seal; may sue and be sued in any court of law or equity in this State; may purchase, hold, possess, enjoy and retain to them and their successors in perpetuity, or for any term of years, any estate, real, personal, or mixed; make by-laws and govern itself by such ordinances, resolutions and by-laws, for municipal purposes, as it may deem proper, not in conflict with its charter, the statute laws of the State of Georgia, or of the United States; may acquire by gift, act, purchase or otherwise, such real and personal property as may be deemed necessary for corporate purposes, and to use, manage, improve, sell, convey, rent or lease any or all of such property in such manner and upon such terms as may be deemed most advisable for the corporate interests.

Corpora-
tors.

Corporate
name.
General
powers.

SEC. II. *Be it further enacted,* That the corporate limits of said town shall embrace all that portion of Tybee Island east of the western boundary line of the Screven lands, sold to D. G. Purse and by him conveyed to the Tybee Beach Company, and

Corporate
limits.

embraced between the Savannah River and the Atlantic Ocean on the north and east, and by Tybee Creek or Inlet on the west and south.

SEC. III. *Be it further enacted*, That said town shall be govern-^{(Govern-}
ed by a mayor and six councilmen, who shall be citizens of the ment.
United States, and shall have been property holders in said town
for at least sixty days immediately before their election, and who
shall be elected by qualified voters of said town on the first Elections.
Monday in April, 1888, between the hours of 10 a. m. and 4 p. m.,
and every two years thereafter on the first Monday in April, ten
days, public notice thereof being previously given in one or more
newspapers published in the city of Savannah; that all male
property holders of the age of 21 years, who are citizens of this Voters.
State, and shall have owned any portion of land in said town for
sixty days immediately preceding the election, shall be entitled
to vote for said mayor and councilmen. The mayor and council
men shall hold their respective offices until their successors are
duly elected and qualified. For the purpose of holding the first Terms.
election under this Act, the Judge of the Superior Court of Chat- First elec-
ham county is hereby empowered to, and shall, upon the written tion, etc.
request of ten property-holders of said town, appoint three prop-
erty holders in said town to act as commissioners of election, and
that thereafter the mayor and councilmen for the time being
shall appoint such managers to conduct each ensuing election; Managers,
Provided, that in the absence of the Judge of the Superior Court etc.
the Judge of the City Court of Savannah, or the Ordinary of
Chatham county, in the order named, in the same manner, shall
appoint said commissioners of election.

SEC. IV. *Be it further enacted*, That in case a vacancy shall occur Vacancies.
in the office of mayor, or of any of said councilmen, by death,
resignation or any other cause, such vacancy or vacancies shall
be filled by a majority vote of said council within sixty days
after such occurrence.

SEC. V. *Be it further enacted*, That the mayor shall be the Mayor.
chief executive officer of said town. He shall see that all the
laws and ordinances of said town are faithfully executed; shall re-
ceive such compensation as the mayor and councilmen by ordinance
may provide preceding his election, and which shall not be changed
during the time for which he is elected. Before entering on
the duties of his office, he shall duly subscribe to the following
oath before some officer authorized by law to administer such
oaths, and which shall be spread upon the minutes of the records
of said mayor and councilmen: "I (A. B.) do solemnly swear
(or affirm) that I will, to the utmost of my ability, discharge the Oath of of-
duties of mayor of the town of Ocean City during my continu- fice.
ance in office. So help me God." Each councilman shall also
take a similar oath as councilman before entering on his duties.

Incorporating Town of Ocean City.

Vote by mayor, etc.
Mayor pro tem. SEC. VI. *Be it further enacted*, That the mayor shall be *ex-officio* presiding officer of said council, but shall have no vote except in the case of a tie. The council may select one of their number to preside in the absence of the mayor, who, also, while acting as mayor, shall also be deprived of voting on all issues that may come before the council except in casting the deciding vote in case of a tie.

Meetings of council. SEC. VII. *Be it further enacted*, That the mayor and council shall be entitled to fix the times of their regular meetings, or sessions, and the mayor, or acting mayor, shall have the power to convene the council in special meetings or sessions whenever, in his judgment, the exigencies of the case require it; or upon the joint request of three councilmen the mayor shall call special sessions of said council.

Mayor's court, etc. SEC. VIII. *Be it further enacted*, That the mayor, or in his absence the presiding officer of council, or any other member of the council designated for that purpose, shall have full power and authority to hold, at such times and places and under such regulations as may be prescribed by ordinance, a mayor's court for the said town for the trial of offenders against the ordinances of said town, and to impose such penalties for the violation thereof as may be prescribed by ordinance, a fine for each offence not exceeding one hundred (\$100) dollars or imprisonment not exceeding thirty (30) days in the town prison or in the county jail of Chatham county, or be put to hard labor on the streets or public works of said town, or both fine and imprisonment or fine and hard labor on the streets and public works of said town.

Mayor as magistrate. SEC. IX. *Be it further enacted*, That said mayor, or acting mayor, as the case may be, shall be to all intents and purposes a justice of the peace so far as to enable him to issue warrants for offences committed within the corporate limits of said town, or anywhere else on said island of Great Tybee; which warrants shall be executed by the chief of police of said town, or officers under him, and to commit to the jail of Chatham county, and admit to bail such offenders for their appearance at the next term of the Superior Court thereafter for Chatham county or the City Court of Savannah; and it shall be the duty of the jailor of Chatham county to receive all persons so committed and safely keep such offenders until discharged by due process of law.

Chief of police. SEC. X. *Be it further enacted*, That said mayor and council shall elect a chief of police for said town, who shall hold his office for one year, and until his successor is elected and qualified. The salary of such chief of police shall be fixed by the mayor and council, prior to his election and shall not be increased or diminished during the term of his office. Before entering

Incorporating Town of Ocean City.

upon the duties of his office, he shall enter into bond in such ^{Bond.} amount as the mayor and council shall require, with good and sufficient security, to be conditioned upon the faithful performance of his duties as such officer; to account for all moneys coming into his hands as tax-collector, *ex officio* of such town, or as chief of police thereof; that the mayor and council, upon charges preferred by any member of its own body, or any citizen, resident or other person, by a vote of two-thirds shall have the ^{Removal.} power to remove the chief of police from office and declare the same vacant, from incompetency, neglect of duty, or any other conduct unbecoming such officer; such charges shall be made in writing, and the chief of police have reasonable notice of them before trial. The mayor and council shall have power at any ^{Vacancies.} time to fill a vacancy in said office, to continue until the expiration of the term of the retiring chief of police.

SEC. XI. *Be it further enacted,* That the mayor and council shall have the power to employ any number of regular or special ^{Police.} police to assist said chief of police in the discharge of his duties, or to preserve the peace and good order of said town, and the mayor and council may confer power upon said regular or special police to discharge said duties, and said policemen shall also have all such powers as are conferred now upon constables of this State by statute.

SEC. XII. *Be it further enacted,* That the mayor and council ^{Clerk.} shall elect a clerk of council, who shall be *ex officio* treasurer of said town, and shall hold his office for one year, or until his successor is elected and qualified. His compensation shall be fixed ^{Salary.} by ordinance and shall not be changed during the term for which he is elected. Before entering upon the duties of his office, said clerk shall enter into a bond, with good and sufficient security, in ^{Bond.} such sum as the mayor and council shall require, to be conditioned upon the faithful discharge of his duties, and that he will faithfully account for all moneys coming into his hands as such clerk or treasurer of said town.

SEC. XIII. *Be it further enacted,* That the mayor or such ^{Power to administer oaths.} member of the council who presides in the mayor's court, shall have full power and authority to administer oaths to any and all persons, and swear witnesses in the trial of any cases coming before his court to be determined.

SEC. XIV. *Be it further enacted,* That if any breach or default ^{Breach of bonds.} be made in the bond of chief of police or clerk of council, required by this Act, or of any other bonded officer under any ordinance of said town, same may be sued and recovered on to the full amount

Incorporating Town of Ocean City.

thereof, in any court having jurisdiction thereof, by the mayor and councilmen of said town.

Ad valorem tax. SEC. XV. *Be it further enacted,* That said mayor and council shall have power to levy, impose and collect a tax upon all real and personal property within the corporate limits of said town, that may be deemed advisable, and not in conflict with the laws of this State; *Provided,* that said taxes do not exceed the sum of one per cent. on the value thereof; and the mayor and council shall have the power to impose and grant licenses for the sale of liquor, either at wholesale or retail, and for keeping bar-rooms, bowling alleys and other places of public amusement.

Liquor license. SEC. XVI. *Be it further enacted,* That the mayor and council of said Ocean City shall have the power to pave, lay off, vacate, close, open, alter, cut and keep in good order and repair roads, streets, alleys, sidewalks, cross-walks, drains, gutters for the use of the public or any of the citizens thereof, and to improve and light the same, and to have them kept free from obstructions on or over them; to regulate the width of the sidewalks on the streets, and to order the sidewalks, cross-ways, drains and gutters to be curbed and paved and kept in good order, free and clean, by the owners and occupants thereof, or of the real property next adjacent thereto; to establish and regulate markets, and to prescribe the time of holding same.

Streets, etc. SEC. XVII. *Be it further enacted,* That said mayor and council shall have power and authority to prevent hogs, cattle, horses, sheep or other animals and fowls of all kinds from going at large in said town; to protect places of divine worship in and about the places where held; to abate or cause to be abated what in the opinion of a majority of the whole council shall be declared a nuisance; to regulate the keeping of gun-powder and other combustibles; to provide in and near said town places for the burial of the dead, and to regulate interments therein; to provide for the regular building of houses or other structures, and for making of division fences by the owners of adjacent premises, and the drainage of lots by proper drains and ditches; to make regulations for guarding against danger or damage by fire, and to protect the property and persons of the citizens of said town; to enact all necessary rules and regulations to protect the health of the town, and for general sanitation.

Markets. SEC. XVIII. *Be it further enacted,* That the mayor and council shall have power to erect or authorize or prohibit the erection of gas-works, water-works or electric light works in said town.

Gas works, etc. SEC. XIX. *Be it further enacted,* That said mayor and council shall provide for the annual assessment of the taxable property

General municipal powers.
Assessments for taxes.

Incorporating Town of Ocean City.

in said town and the mode and manner of valuing such property for taxation.

SEC. XX. *Be it further enacted*, That said mayor and council shall have power and authority to enact and adopt all necessary rules for the regulation and government of its own body. Rules.

SEC. XXI. *Be it further enacted*, That the mayor and council of said town shall have full power and authority to license persons to retail spirituous liquors within the corporate limits of said town, such license not to be granted for longer or shorter time than the fiscal year. Said mayor and council may also license and regulate the management of bar-rooms, saloons, hotels, bowling alleys, livery stables, boarding houses, merchants, manufacturers, dealers and professional men, and levy a tax upon same in said town. Said mayor and council shall adopt such rules, ordinances and regulations in reference to licenses, not inconsistent with the laws of the State, as they may deem proper and fit; but before any license to retail liquor shall issue, the applicant for such license shall obtain the consent of at least four property owners nearest to his proposed place of business for the sale of liquors. Liquor li-
cense.

Bar-room-
hotels, etc.

Business
tax.

SEC. XXII. *Be it further enacted*, That said mayor and council shall provide proper ordinances requiring of all persons in said town road and street duties in said town; *Provided*, that the mayor and council shall have power to levy a street tax in lieu thereof, and to impose fines and penalties for the violation or non-compliance with the road or street laws of said town. Street
working.

SEC. XXIII. *Be it further enacted*, That the mayor and council shall have power to appropriate such sums of money from time to time as may be necessary for repairing and improving public walks, building school-houses, parks, public buildings and for such repairs and improvements as may be deemed prudent, and as the finances of the town may authorize, by a two-thirds vote of the members of said council. Appropri-
ations for
public im-
prove-
ments.

SEC. XXIV. *Be it further enacted*, That said mayor and council, and their successors, shall have full power and authority, generally, to pass all needful ordinances, resolutions and by-laws not contrary to the Constitution and the laws of this State or of the United States. Ordinan-
ces.

SEC. XXV. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15th, 1887.

Amending Charter of Harmony Grove.

AMENDING CHARTER OF HARMONY GROVE.

No. 342.

An Act to strike out, alter and amend so much of section twelve (12) of the charter of the town of Harmony Grove as prescribes the mode and manner of levying taxes and the that may be levied, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid,* That section twelve (12) of the charter of the town of Harmony Grove, be, and the same is hereby amended by striking from said section the words "the State Tax," in the ninth line of said section, and inserting in lieu thereof the words "seventy-five cents on the one hundred dollars," so that said section as amended will read as follows: And be it further enacted by the same, that the mayor and town council shall have power and authority to pass all ordinances and by-laws necessary for the government, good order and well-being of the town; remove pests and nuisances, and perform all other acts necessary to carry out the provisions of this Act, not incompatible with the laws of this State nor of the United States. They shall have power to make such contracts as they may deem necessary for the welfare of said town; to levy a tax not exceeding seventy-five cents on the hundred dollars on all property within the limits of said town of whatever kind, whether real or personal, which is subject to taxation by the laws of the State, which tax shall be received and collected by the clerk of the council of said town, who shall, previous to entering upon the duties of his office, give bond and security to the mayor and council in the sum not exceeding five hundred (\$500.00) dollars, for the faithful performance of the duties of his office, who shall receive for his services as tax receiver and collector such sums as may be fixed and set apart by the mayor and council for such services; which taxes shall be collected at such time and in such manner as the mayor and council, in their by-laws or ordinances shall direct. And the clerk of council shall pay over to the treasurer the taxes so collected by him, for and on account of the town, on or before the first day of the month next succeeding the collection so made. The mayor and council shall empower the marshal and deputy marshal to remove or abate all nuisances within the limits of the town, and require him to prosecute before the Superior Court all offenders against the statute laws of the State, and for this pur-

Section 12
of charter
amended.

Amount of
ad valorem
tax.

Section as
amended.

pose the marshal or deputy marshal shall have power and authority to examine all places where he suspects a violation of the laws of the State or the ordinances of the town is being perpetrated, and shall have full power and authority to call to his aid, any and all of the male citizens of said town capable of bearing arms, and shall report all offenders against the laws of this State to the mayor, whose duty it shall be, upon such report being given to him under oath, to issue a warrant or warrants, and bind such offenders to appear before the proper tribunal to answer such charge.

SEC. II. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15th, 1887.

STREET IMPROVEMENTS, ETC., IN AUGUSTA.

No. 380.

An Act to authorize the city council of Augusta to grade, pave, macadamize and otherwise improve the streets of the city of Augusta, and to authorize said body to assess and collect one-half the cost of said improvements out of the real estate fronting on said streets so improved, and to authorize said city council to construct sewers and drains in said city, and to assess the cost of the same on real estate abutting on the streets through which sewers may be constructed and placed, and on the real estate through which sewers may pass, and to authorize sewers and drains to be constructed through private property on the payment of damages, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the city council of Augusta shall have full power and authority, in their discretion, to grade, pave, macadamize and otherwise improve, for travel and drainage, the streets, public lanes and alleys of said city, and to construct sidewalks and pave the same, to put down curbing, cross drains, crossings, and otherwise improve the same. Power to grade, pave, etc., streets, etc.

SEC. II. *Be it further enacted*, That in order to fully carry into effect the authority above delegated, said city council of Augusta shall have full power and authority to assess the cost of paving and otherwise improving the sidewalks, including all necessary curbing for the same, on the real estate abutting on the street, and on the side of the street on which the sidewalks are so improved. Assessments for.

Street Improvements, etc., in Augusta.

SEC. III. Be it further enacted, That the said city council of Augusta shall also have full power and authority to assess one-half of the cost of grading for paving, macadamizing, constructing side drains, crossings and otherwise improving the roadway, or street proper on the real estate abutting on each side of the street improved; *Provided*, that before any street or portion of a street shall be so improved, the persons owning real estate which has at least one-third of the frontage on the street or portion of a street, the improvement of which is desired, shall in writing request the city council of Augusta to make such improvement, and said city council of Augusta shall have approved the same, and shall by ordinance direct the work to be done.

SEC. IV. Be it further enacted, That any street railroad company, or other railroad company, having tracks running through the streets of said city shall be required to macadamize or otherwise pave, as the city council of Augusta may direct, the width of its track, and for three feet on each side of every line of track now in use, or that may hereafter be constructed by such company; and if said street railroad or other railroad company shall fail to commence within fifteen days, and carry on to completion said works, then and in that event the said city council of Augusta may have said work done, and the remedies provided to enforce the collection out of the real estate abutting on each side of the streets to be improved, and the lien thereon given shall apply to the collection of said assessment for the work done for such street railroad or other railroad company; Providing, that the law authorizing such assessment on the abutting property-owners of the whole cost of paving sidewalks (including cost of curbing) is in no way affected hereby.

SEC. V. Be it further enacted, That the city council of Augusta shall have full power and authority to adopt by ordinance such a system of equalizing assessments on real estate for the above purposes as may be just and proper, estimating the total cost of each improvement made and pro rating the cost thereof on the real estate according to its frontage on the street or portion of a street so improved. It shall be wholly discretionary with the city council of Augusta whether any work asked for is desirable or necessary, and shall be done or not; and no application shall be received and no work done for less than an entire block; *Provided*, that the owners of one third or more of the frontage on a block shall not, by a failure to apply for work, or by objection thereto, defeat an application of the owners of one-third of the frontage of more than a block when such application shall have been regularly made.

SEC. VI. Be it further enacted, That the amount of assessment on each piece of real estate shall be a lien on such real es-

Division of
costs and
assess-
ments for.

Request
for im-
prove-
ment, etc.

Railroad
compa-
nies.

Failure
to do the
work.

System for
equalizing
assess-
ments.

No work
done for
less than a
block.
Proviso.

Lien for
assess-
ments.

Street Improvements, etc., in Augusta.

tate from the passage of the ordinance providing for the work and making the assessment.

SEC. VII. Be it further enacted, That the city council of Augusta shall have the authority to enforce the collection of the amount of any assessment so made for work, either upon streets or sidewalks, by execution, to be issued by the city clerk against the estate so assessed, and against the owner thereof, at the date of the ordinance making the assessment, which execution may be levied by the city sheriff on such real estate, and after advertisement and other proceedings, as in cases of sale for city taxes, the same may be sold at public outcry to the highest bidder, subject to the right of redemption, as in cases of sales for taxes; *Provided*, that the defendant shall have the right to file an affidavit denying that the whole or any part of the amount for which the execution issued is due, and stating what amount he admits to be due, which amount so admitted to be due shall be paid or collected before the affidavit is received and the affidavit received for the balance, and all such affidavits so received shall be returned to the Superior Court of Richmond county, Georgia, and there tried and the issue determined, as in cases of illegality, subject to all the pains and penalties provided in cases of illegality or delay.

Enforcement of assessments, etc.

SEC. VIII. Be it further enacted, That all work done in accordance with the above shall be done under the direction of the city council. Surveys, grades, plans, profiles and other like work shall be done by the engineer of said city and by him furnished to the city council.

Supervision of work.

SEC. IX. Be it further enacted, That said city council of Augusta shall have full power and authority to lay down sewers and drains in said city, and assess one-half the amount of cost of laying and constructing the same upon real estate abutting on the streets through and along which sewers and drains may be placed and constructed, and upon any real estate through and upon which the same may be constructed and placed. All work of laying down or constructing drains and sewers shall be done under the direction and supervision of the board of health. The city engineer shall furnish to said board estimates of the cost of the same, and shall furnish plans and profiles and such other like work as may be necessary and proper. The amount of the assessments on real estate for constructing sewers may be collected by execution, levy and sale, as in street assessments.

Sewers and drains.

Assessments for.

Supervision of.

Estimate of cost, etc.

Collection of assessments.

SEC. X. Be it further enacted, That the city of Augusta is hereby authorized to construct and lay down sewers through property in said city; *Provided*, that before doing so any damage done to private property thereby shall be ascertained and paid. In order to ascertain the amount thereof, assessors shall be appointed, who shall act and report as in cases of opening streets

Construction of sewers through private property. Ascertain- ing and paying damages.

Water Rents, etc., in Augusta.—Amending Charter of Pelham.

in said city, and from whose award either party may appeal to the Superior Court of Richmond county within ten days.

SEC. XI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

WATER RENTS, ETC., IN AUGUSTA.

No. 381.

An Act to authorize the city council of Augusta to collect by execution, to be enforced and to have the same lien upon the premises in or upon which the water may be used, as executions for city taxes, all sums due the city council for water rents, wash-paves or openings of any kind through which water is used, and all sums that may be assessed against each and every improved lot lying on any street through which the pipes of the Augusta water-works may pass, and for other purposes.

Lien for
and collec-
tion of wa-
ter rents,
etc.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the city council of Augusta is hereby authorized to collect, by execution, to be enforced and to have the same lien upon the premises in or upon which the water may be used, as executions for city taxes, all sums due the city council of Augusta for water rents, wash-paves or openings of any kind through which water is used, and all sums that may be assessed by said city council, or its authority, against each and every improved lot lying on any street in said city of Augusta through which the pipes of the Augusta water-works may pass.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

AMENDING CHARTER OF PELHAM.

No. 383.

An Act to amend the charter of the town of Pelham, in the county of Mitchell, so as to extend the corporate limits thereof; to enlarge and define the powers of the mayor and councilmen, and for other purposes.

SECTION I. Be it enacted by the Senate and House of Representatives of the State of Georgia, and it is hereby enacted by the

Amending Charter of Pelham.

authority of the same, That from and after the passage of this Act, section 2nd of the Act incorporating the town of Pelham, in the county of Mitchell, approved September 14th, 1881, be, and the same is hereby amended by striking out the word "one-half," where it occurs in the second line of said section, and inserting in lieu thereof the word "three-fourths," so that said section as amended shall read:

Section 2
of charter
amended.

Corporate
limits ex-
tended.

"Be it further enacted by the authority aforesaid, That the corporate limits of said town shall extend three-fourths (3-4) mile in every direction from the depot of the Savannah, Florida and Western Railroad in said town."

SEC. II. Be it further enacted by the authority aforesaid, That section nine (IX) of said charter be, and the same is hereby amended by adding at the end of the same the following:

Section 9
amended.

"And the said mayor and councilmen shall have the power to punish by fines, not to exceed ten dollars, and by work on the public streets, under the town marshal or street overseer, not over ten days, or by imprisonment in the guard-house, not over ten days, any and all persons subject to road duty who fail or refuse to work said streets or pay said commutation tax."

Penalty
for failure
to work
streets.

SEC. III. Be it further enacted, That the mayor and councilmen of the town of Pelham shall have the power to lay out and open streets, to extend and widen the same by making proper compensation when demanded to owners of lands thus used, and in case of disagreement as to damages, it shall be lawful for the mayor and council to appoint one disinterested freeholder residing in said town and the owner or owners of said land to appoint another such freeholder, and these two shall appoint a third, and it shall be the duty of such freeholders to make a just and impartial valuation of the damages accruing to said property, and their award shall be in writing, signed by a majority of said appraisers, and shall be binding on the parties at interest; *Provided*, that either party may enter an appeal to the Superior Court from such award within ten days.

Power as
to streets.

Ascertain-
ing dam-
ages.

Valuation.

Appeal.

SEC. IV. Be it further enacted, That the said mayor and council shall have the power and authority in their corporate name to own, hold, lease, rent, possess, enjoy and retain unto them and their successors, for the use of the town of Pelham, any estate, real or personal, and in their corporate name to rent, lease, sell and convey the same; *Provided*, however, that no sale of any realty by the said mayor and council shall be valid unless the deed conveying title to the same shall be signed by every member of the town council or ratified at an election by two-thirds of the qualified voters of said town and the result of said election declared by the mayor and entered on the minutes of said council.

Property
rights.

Sales of re-
alty.

SEC. V. Be it further enacted, That the mayor and council of said town shall have full power and authority, in their discretion,

Amending Charter of Pelham.

**Street im-
prove-
ments, etc.** to grade, pave, drain and otherwise improve for travel the streets and sidewalks of said town; and the mayor and council shall have power to assess two-thirds of the cost of said improvements on the owners of lands abutting on streets so improved, or lands drained, provided that one-half of the owners of such real estate residing in said town shall request, in writing, said improvements or drainage and a majority of a full board of the council shall order the work done. In case of street improvements one-third of the cost shall be borne by the owner or owners of lands on each side of such street, and in case of drainage two-thirds the cost shall be borne by owner or owners of the land improved or benefited.

**Collection
of assess-
ments.** SEC. VI. Be it further enacted, That the mayor and councilmen of the town of Pelham shall have the authority to enforce the collection of the assessments so made for work, either on streets, sidewalks, drains or ditches, by execution, to be issued by the mayor of said town, against the real estate so assessed, and against the owner thereof, after the passage of an ordinance making the assessment, which execution may be levied by the marshal of said town on such real estate, and after four weeks' advertisement in the newspaper containing the legal advertisements of Mitchell county, the same may be sold at public outcry before the court-house at Camilla, Georgia, by the sheriff of said county, to the highest bidder, and such sale shall vest an absolute title in the purchaser; Provided, that the defendant shall have the right to file an affidavit before the day of sale denying that the whole or any part of the amount of the execution is due, which affidavit shall be returned to the Superior Court of Mitchell county and there tried, and the issue determined as in cases of illegality, subject to all the pains and penalties provided for in cases of illegality for delay.

**Places of
worship.
Cemete-
ries.
Fire.
Nuisances.** SEC. VII. Be it further enacted, That the mayor and council shall have the power to protect places of divine worship; to provide places for the burial of the dead, and to regulate interments therein; to make regulations; to guard against danger or damage by fire; to abate nuisances, and to provide such sanitary regulations as are necessary to protect the public health.

SEC. VIII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Incorporating Town of Cornelia.

INCORPORATING TOWN OF CORNELIA.

No. 412.

An Act to incorporate the town of Cornelia, in the county of Habersham, and to grant election powers and privileges to the same, and for other purposes.

SECTION I. Be it enacted by the Senate and House of Representatives of the State of Georgia, That from and after the passage of this Act, the town of Cornelia, in the county of Habersham, shall be a body corporate with the corporate limits of said town extending three-fourths of one mile in every direction from the depot of the Atlanta and Charlotte division of the Richmond and Danville Railroad Company in said town; said corporation may sue and be sued, plead and be impleaded, and make and publish such ordinances and by-laws as may best promote the interest and welfare of said town, and do all other acts usually allowed corporations; *Provided*, they are not repugnant to the Constitution of this State or of the United States.

Corporate limits.

General powers.

By-laws, etc.

SEC. II. Be it further enacted by the authority aforesaid, That James M. Biggers, C. H. Sellers, J. C. Edwards, Worth Grant and I. T. Sellers be, and they are hereby appointed commissioners of the town of Cornelia, in the county of Habersham, to serve until their successors are elected and qualified as herein-after provided.

Provisional government.

SEC. III. Be it further enacted by the authority aforesaid, That said commissioners shall organize by the election of one of their number chairman, and who shall be *ex officio* a justice of the peace, and shall have full authority to issue warrants for any offence committed within the corporate limits of said town, and shall have power to compel the attendance of witnesses; to examine them under oath; to admit any offender to bail or commit him to jail for violation of the laws of the State, and to admit to bail or commit to the guard-house for the violations of the ordinances or by-laws of said town. A majority of said commissioners shall constitute a quorum for the transaction of business.

Organization.

Chairman—his powers, etc.

Quorum.

SEC. IV. Be it further enacted by the authority aforesaid, That said commissioners hereinbefore named shall hold their office until the first Saturday in January, 1888, and that on said first Saturday in January, 1888, and annually thereafter on the first Saturday in January, all persons residing in the corporate limits of said town, who are qualified to vote for members of the Legislature, shall, at such place in said town as may be

Elections.

Voters.

Incorporating Town of Cornelia.

Terms of office. designated by the commissioners, elect by ballot a chairman and four other commissioners, who shall hold their office for one year and until their successors are elected and qualified; said election shall be conducted as other elections under the laws of this State, and the managers shall certify the result to the chairman of council, who shall declare the five persons receiving the highest number of votes the chairman and commissioners of said town for the next ensuing year.

Subordinate officers. SEC. V. Be it further enacted by the authority aforesaid, That said chairman and commissioners shall have power to elect a marshal and treasurer, and such other officers as they may deem necessary, and regulate the fees of the same, and all of said officers so elected shall be sworn to discharge the duties of their respective offices to the best of their ability.

Sale of liquors. SEC. VI. Be it further enacted by the authority aforesaid, That the chairman and commissioners of said town shall have exclusive power to regulate the sale of spirituous liquors, or to prohibit the sale of liquors of all kinds within the corporate limits of said town if a majority of the commissioners of said town should so decide, and also power to punish disorderly persons by fine or imprisonment, or both, or commit for violations of the laws of this State; to levy such tax as they may deem necessary for the support of their corporate government; open and keep up their streets, and for the growth and promotion of the welfare of said town so far as the Constitution of this State will allow; *Provided*, said tax shall not exceed the amount levied by the State upon both personal and real property in said town.

Punishment of offenders.
Taxation. SEC. VII. Be it further enacted by the authority aforesaid, That in addition to the foregoing, said commissioners shall have power to tax all shows, auctioneers, vendors of patent medicines, and sleight-of-hand performances, and other tax of like character, and to levy and collect such tax on billiard tables and vendors of intoxicating liquors as they may see fit to the best interest of said town.

Special taxes. SEC. VIII. Be it further enacted by the authority aforesaid, That said commissioners shall hold their meetings at such times and places within the corporate limits of said town as they, or a majority of them, may designate, and that said chairman and commissioners shall, before entering on their duties, take and subscribe the following oath before any person authorized to administer oaths: "I do solemnly swear that I will, during my continuance in office, perform all duties devolving on me as commissioner of Cornelia to the best of my skill and knowledge. So help me God."

Meetings. SEC. IX. Be it further enacted by the authority aforesaid,

Oath of office.

Incorporating Town of Hillman.

That if at any time the office of chairman or commissioner shall ^{Vacancies.} become vacant by death, resignation or otherwise, an election shall be held, at such time and place as a majority of said commissioners may decide upon, for persons to fill such vacancies.

SEC. X. Be it further enacted by the authority aforesaid, That all laws and parts of laws conflicting with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

INCORPORATING TOWN OF HILLMAN.

No. 428.

An Act to incorporate the town of Hillman, in the county of Taliaferro; to provide for the election of commissioners of said town, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, the town of Hillman, in the county of Taliaferro, be, and the same is hereby incorporated, and that the corporate limits shall be as follows: ^{Corporate limits.} Beginning at and including the residence of A. L. Hillman, running down the Greensborough road to the crossing on the Washington branch of Georgia Railroad, thence down and along said railroad to the line between said Hillman and the Electric Mound Improvement Company, thence along the land line between said Hillman and said Electric Mound Improvement Company to the mouth of the Acree branch, then up said branch for half a mile, then to the beginning point; and that A. L. Hillman, F. H. Schofield, F. B. Schofield, Louis Owens and James Finley be, ^{Provisional government.} and they are hereby appointed a board of commissioners, who shall hold their term of office until the second Monday in February (1888), eighteen hundred and eighty-eight, and until their successors are elected and qualified.

SEC. II. And be it further enacted, That on each and every second Monday in February thereafter, all the citizens residing in the corporate limits of said town, who shall be entitled to vote for members of the Legislature of the State, shall be entitled to vote for five commissioners, at which election any two freeholders of said town may preside as managers, and the five persons receiving the highest number of votes shall be declared duly elected, and that the managers of said election shall give a certificate of the election, which, after taking the oath of office hereinafter prescribed, shall be sufficient authority for said commissioners to enter upon the discharge of their duties; and in ^{Elections.} ^{Voters.} ^{Conduct and result of election.}

Incorporating Town of Hillman.

Failure to
hold elec-
tion.

case no election should be held by the legal voters as aforesaid, that then, at any time thereafter, on a written notice of the time and place of holding said election, posted at three or more prominent places in said town ten days previous to holding said election, the citizens of said town may proceed to elect the said board of commissioners in the same manner as though the same had been held on the second Monday in February.

Oath of of-
fice.

SEC. III. And be it further enacted, That said commissioners shall, before entering upon the discharge of their duties, take the following oath before some judicial officer of this State, or before a member of the retiring board, to-wit: "I do solemnly swear that I will faithfully and impartially discharge the duties of commissioner for the town of Hillman to the best of my skill and power. So help me God."

Ordinan-
ces, etc.

SEC. IV. And be it further enacted, That said commissioners shall have power and authority to pass all ordinances and by-laws for the government of said town corporation not in conflict with the Constitution and laws of this State and of the United States.

Subordi-
nate offi-
cers.

SEC. V. And be it further enacted, That the commissioners of said town corporation shall appoint a marshal and a clerk, who shall be treasurer, with such compensation as shall be determined on by said commissioners, and such other officers as may be necessary to carry this Act into effect.

Street
working

SEC. VI. And be it further enacted, That all persons liable to road duty by the laws of this State, who reside within the corporate limits of said town, shall be compelled to work the streets and public square of said town, and that they shall be exempt from all other road duty.

General
powers.

SEC. VII. And be it further enacted, That the said board of commissioners of the said town of Hillman, by their corporate names, shall have power to sue and be sued, plead and be impleaded, and do all other acts relating to its corporate authority, and shall use and have a common seal, any law to the contrary notwithstanding.

SEC. VIII. And be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

EXTENDING LIMITS OF VILLA RICA.

No. 438.

An Act to amend the second (2d) section of an Act incorporating the town of Villa Rica, in Carroll county, Georgia, approved September 13th, 1883, so as to incorporate the cemetery on the west side of said town.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That section second of an Act incorporating the town of Villa Rica, in Carroll county, Georgia, approved September 13th, 1883, be amended by adding to said section the following, and on the west side the corporate limits shall extend to and around the cemetery of said town so as to include the cemetery within the corporate limits of said town of Villa Rica, so that said section, when amended, shall read as follows: That the corporate limits of said town shall extend one half ($\frac{1}{2}$) mile in every direction from the depot building on the Georgia Pacific Railroad in said town, and on the west side the corporate limits shall extend to and around the cemetery of said town, so as to include the cemetery within the corporate limits of said town of Villa Rica.

Corporate
limits ex-
tended.

SEC. II. Be it further enacted, That all laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

TAXATION ON AGRICULTURAL LANDS IN NEWNAN.

No. 440.

An Act to repeal an Act entitled "An Act to prohibit the levy and collection of any taxes on any lands within the corporate limits of the city of Newnan, which are kept exclusively for agricultural purposes, other than that levied and collected for State and county tax," approved March 2nd, 1874.

SECTION I. It is enacted by the General Assembly of Georgia, That the above-recited Act be, and the same is hereby repealed.

Approved October 22nd, 1887.

Act pro-
hibiting
tax repea-
ed.

EXTENSION OF LIMITS OF NEWNAN.

No. 441.

An Act to repeal an Act entitled "An Act to change the line defining the corporate limits of the city of Newnan, in the county of Coweta," approved February, 1876.

CORPORATE LIMITS EXTENDED. SECTION I. It is enacted by the General Assembly of Georgia, That the above-recited Act be, and the same is hereby repealed, and that the territorial limits of said city be extended to include the lands cut off by said Act from said city.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

AMENDING CHARTER OF CONYERS.

No. 446.

An Act to amend an Act to change the charter of the town of Conyers, Georgia, to that of a city, approved August 24th, 1881, so as to authorize the mayor and city council of said city to grade, pave, macadamize and otherwise improve the streets and sidewalks of said city; and to authorize the mayor and city council to assess and collect the cost of improvements made upon the sidewalks out of the real estate (and the owners thereof) fronting on said sidewalks so improved; also to authorize said body to levy a specific tax upon each and every business of whatsoever kind carried on within said city.

POWER TO GRADE, PAVE, ETC., STREETS, ETC. SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the mayor and city council of the city of Conyers shall have full power and authority, in their discretion, to grade, pave, macadamize and otherwise improve the streets and sidewalks, and to construct new sidewalks and pave the same, to put down curbing, cross-drains, crossings and otherwise improve the same.

ASSESSMENT OF COST. SEC. II. Be it enacted, That in order to fully carry into effect the authority delegated in section 1st, said mayor and city council shall have full power and authority to assess the cost of paving, curbing and otherwise improving the sidewalks in said city and the real estate abutting on the street and on the side of the street on which the sidewalk is so improved.

Amending Charter of Cuyahoga.

SEC. III. Be it enacted, That said mayor and city council shall have full power and authority to adopt by ordinance such a system of equalizing assessments on real estate for the above purposes as may be just, estimating the total cost of each improvement made and prorating the cost thereof on the real estate according to frontage on the street or portion of a street or sidewalk so improved. Equalization of assessments.

SEC. IV. Be it enacted, That the amount of the assessment on each piece of real estate shall be a lien on said real estate from the date of the passage of the ordinance providing for the work and making the assessment. Lien for assessments.

SEC. V. Be it enacted, That the mayor and city council of said city shall have full power and authority to enforce the collection of the amounts of any assessment so made for work done upon the sidewalks by execution, to be issued by the clerk of the city council against the real estate so assessed and against the owners thereof at the date of the ordinance making the assessment, which execution may be levied by the marshal of said city, and such real estate, and after advertisement, as in cases of sales for city taxes, the same may be sold at public auction to the highest bidder, and such sale shall vest an absolute title in the purchaser; *Provided*, that the defendant shall have the right to file an affidavit denying the whole or any part of the amount for which the execution issued is due, and stating what amount he admits to be due, which amount so admitted to be due shall be paid to or collected by the marshal before the affidavit is received and the affidavit received for the balance, and all such affidavits so received shall be returned to the Superior Court of Rockdale county and there tried, and the issue determined, as in cases of illegality and subject to all the pains and penalties provided for in cases of illegality for delay. Collection of assessments.

SEC. VI. Be it enacted, That the mayor and city council shall have full power and authority to levy a special tax on each and every person or firm doing a mercantile business, each and every person or firm running a livery stable or stables, hotels, restaurant or public boarding-house, each and every person or firm running a blacksmith shop, wagon or carriage manufactory, each and every person or firm running a merchant or flouring mill, each person or firm running a public dray, ginnery, saw-mill, etc., each and every corporation, guano factory, cotton seed oil mills, banks, insurance agencies, dealers in stoves, tanners, shoe manufactories and stores, each and every person or firm manufacturing agricultural implements, each and every guano agent or dealer in fertilizers, each and every person or firm dealing in machinery Business and special taxes.

Amending Charter of Cairo.

or acting as agents or soliciting sales for dealers in machinery within said city.

SEC. VIII. Be it enacted by the authority aforesaid, That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

AMENDING CHARTER OF CAIRO.

No. 456.

An Act to amend an Act, approved October 28th, 1870, entitled "An Act to incorporate the town of Cairo, in the county of Thomas, and for other purposes," so as to increase the number of councilmen to five; to confer additional power upon the mayor relative to the punishment of offenders, upon the mayor and council relative to the sale of liquors, itinerant traders and ball games in said town, and to confer the power and authority upon the mayor and council of said town to levy and collect an *ad valorem* tax.

Section 1
of charter
amended.

Number of
council-
men
changed.
Section as
amended.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That Section I. of an Act, approved October 28th, 1870, entitled "An Act to incorporate the town of Cairo, in the county of Thomas, and the town of Subligna, in the county of Chattooga, and to provide for the election of mayor, councilmen, marshal, clerk and treasurer for the same, and for other purposes," so far as the same relates to the town of Cairo, be, and the same is hereby amended by striking out after the word "and," and before the word "councilmen," the word "three," and inserting in lieu thereof the word *five*, so that said section when amended shall read as follows: "Be it enacted by the General Assembly of the State of Georgia, That the inhabitants now living and that may hereafter reside upon the territory within a half mile in all directions from the depot of the Atlantic and Gulf Railroad, in the town of Cairo, in the county of Thomas, be, and they are hereby constituted and made a body corporate by the name and style of the Town of Cairo, and the said inhabitants who are entitled to vote for members of the General Assembly of the State of Georgia, and have resided ten days within said corporate limits, and who have paid all legal taxes required of them by said town, shall meet at the usual place of holding the justice court in said town, on the first Saturday in November next, and on the first Saturday in Novem-

Amending Charter of Cairo.

ber in each year thereafter, and elect from the citizens of said corporate limits one mayor and five councilmen and one marshal, and said mayor and councilmen shall be vested with the municipal government of said town of Cairo; and as mayor and councilmen of said town and under that name and style shall have full power to have a common seal or scroll and to hold, purchase, have, receive, enjoy, possess and retain to them and their successors, for the use of said town of Cairo, any real or personal estate within the jurisdictional limits of said town of Cairo, and shall be capable, under the aforesaid name and style, to sue and be sued in any court of law or equity in this State.

SEC. II. Be it further enacted by the authority aforesaid, That section four of the above-recited Act be, and the same is hereby amended by striking out the word "thirty" and inserting in lieu thereof the word *fifty* before the word "dollars," and by striking out the word "fifteen" and inserting in lieu thereof the word *thirty* before the word "days," and after the word "days" as aforesaid the words *or sentence to work upon the public works of the town not exceeding thirty days, in the discretion* of the mayor, so that said section when amended shall read as follows: And be it further enacted, That said mayor and councilmen shall have full power and authority to make all laws, rules and regulations for the proper government of said town, to impose and collect fines not less than one nor more than fifty dollars, and imprison for not less than one nor more than thirty days, or sentence to work upon the public works of the town not exceeding thirty days, either or all, in the discretion of the mayor, for any one violation of said by-laws, rules and regulations aforesaid.

SEC. III. Be it further enacted by the authority aforesaid, That section five of the above-recited Act be amended by striking out the words "a sum not exceeding twenty-five dollars" and inserting in lieu thereof the words, such sums as the mayor and council may in their discretion fix by ordinance, so that such section when amended shall read as follows: "And be it further enacted, That said mayor and councilmen shall have power to tax all shows in said town performing there for purposes of gain, to issue license to retail spirituous liquors in said town or corporate limits, and to charge for the same such sum as the mayor and council may, in their discretion, fix by ordinance, and the said retailers of spirituous liquors in said town shall also comply with the laws now in force as to bond and oath; the said mayor and council shall have power to tax all itinerant trades, ten pins or other ball alleys and billiard tables in said town, and they shall have power to enforce the collection of taxes, fines and penalties in such manner as they may see proper.

SEC. IV. Be it further enacted by the authority aforesaid, That from and after the passage of this Act, that said mayor and coun-

Section 4th amended.

Amount of fines, etc.

Section as amended.

Section 5th amended.

Special taxes.

Section as amended.

Ad valorem tax.

Incorporating Town of Bluffton.

cil shall have full power and authority to levy and collect a tax upon all and every species of property, real and personal, within the limits of said town (except church and school property) taxable by the laws of this State for county purposes, and not exceeding the State tax.

SEC. V. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING TOWN OF BLUFFTON.

No. 462.

An Act to incorporate the town of Bluffton, in the county of Clay and State of Georgia; to appoint a council for the same, and for other purposes.

SECTION I. The General Assembly of the State of Georgia do enact, That J. D. Rambo, W. R. Harrison, J. A. Gassett, W. T. Green and G. L. Collins, and their successors in office, be, and are hereby appointed councilmen, and are hereby made a body corporate under the name and style of The Town Council of Bluffton, and shall hold their office until the first day of January, 1889, and until their successors are elected and qualified.

SEC. II. It is further enacted by the authority aforesaid, That on the first day of January, 1889, and on the first day of January of each subsequent year, an election shall be held at the courthouse, in said town, for five councilmen, to serve for one year next after their election and until their successors are elected and qualified, at which election no person shall be allowed to vote who has not been a resident of said town for three months, and who is not entitled to vote for members of the General Assembly, at which election three freeholders may preside and conduct the same.

SEC. III. It is further enacted by the authority aforesaid, That the corporate limits of said town shall embrace the following four lots of land upon which the town is located, viz.: Nos. 30, 51, 52 and 29, lying in the fifth district of Clay county, Georgia.

SEC. IV. It is further enacted by the authority aforesaid, That the town council shall, at its first meeting after their election and qualification, elect from their own members a presiding

Provisional government.

Corporate name.
Term of office.

Elections.

Terms of office.

Voters.

Corporate limits.

Chairman and subordinate officers.

Incorporating Town of Bluffton.

officer, who shall be styled chairman of council, and appoint a clerk and marshal, who shall hold their offices during the pleasure of the council.

SEC. V. It is further enacted by the authority aforesaid, That ^{Quorum.} a majority of said council shall constitute a quorum for business, and shall have power to pass ordinances necessary to protect the ^{Ordinan-} citizens of said town; to suppress gambling and all species of dis- ^{ces, etc.} orderly conduct by fine and imprisonment, the punishment of which is usually vested in the council of corporate towns; to compel all persons, residents of said town, who are under the laws of this State subject to road duty, to work the streets of ^{Street} said town, or in lieu thereof pay an annual street tax to be as- ^{working.} sessed by said council; to declare what are nuisances and to abate the same; to pass all ordinances necessary to promote the health and prosperity of said town, not repugnant to the Constitu- ^{Enforce-} tion and laws of Georgia and the Constitution of the United ^{ment of} States. They shall have power to enforce obedience to their or- ^{ordinan-} dinances by fine or imprisonment, or both. ^{ces.}

SEC. VI. It is further enacted by the authority aforesaid, That ^{Oath of of-} the persons named in this Act and those who shall be hereafter ^{fice.} elected councilmen shall, before entering upon the discharge of the duties as town council, take an oath faithfully and impar- tially to discharge the duties of their office.

SEC. VII It is further enacted by the authority aforesaid, That ^{Ad valorem} the said council shall have authority to levy an annual and ^{tax.} *ad va-* *lorem* tax on all taxable property within the corporate limits of said town taxable for county purposes, said tax not to exceed one-half of one per cent.; also to impose a tax on all persons ^{Business} doing any business or following any avocation in said town ^{tax.} (farming excepted) not to exceed ten dollars; *Provided*, nothing herein shall be construed to authorize a tax to be levied on lawyers, doctors or dentists.

SEC. VIII. It is further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 24, 1887.

Business Tax in Athens.

BUSINESS TAX IN ATHENS.

No. 469.

An Act to confer additional power of taxation upon the mayor and council of the city of Athens, so as to authorize said mayor and council to levy and collect an annual tax upon persons, firms, companies and corporations engaged in carrying on, or who may engage in carrying on trades, professions, callings, avocations and businesses in said city; to classify said subjects for tax; to provide for a register in return of same for tax, and for other purposes.

Be it enacted by the General Assembly of the State of Georgia :

Power to
levy and
collect
business
tax.

Classifica-
tion of
business

Returns
for tax-
ation.

Lien for
taxes.

Collection
of.

SECTION I. That the mayor and council of the city of Athens shall have full power and authority to levy and collect a tax upon any person, firm, company or corporation engaged in, prosecuting or carrying on, or who may engage in, prosecute or carry on any trade, business, calling, avocation or profession within the corporate limits of said city, and upon all other persons exercising within the city any profession, calling, trade or business of any nature whatever. They shall have authority to classify businesses and arrange the various businesses, callings, trades and professions carried on in said city into such classes of subjects for taxation as may be just and proper.

SEC. II. That the said mayor and council shall have full power and authority to provide by ordinance for a proper return or register for taxation of all professions, callings, trades and businesses that may be the subject of a tax, and prescribe such penalties for a failure to make such return or register as they shall deem proper.

SEC. III. The taxes herein authorized to be levied and collected shall be a lien upon all the property of the tax-payer from the first day of January of the year when levied, and shall be due and payable at such time as the said mayor and council shall fix, and if not paid when due, they may be collected by execution issued by the clerk of council, as in case of other taxes due said city.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved October 24th, 1887.

Sewerage, etc., for Athens.—Opening, etc., of Streets, etc., in Athens.

SEWERAGE, ETC., FOR ATHENS.

No. 470.

An Act to authorize the mayor and council of the city of Athens to lay and construct drains and sewers in the streets of said city, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the mayor and council of the city of Athens shall have full power and authority to establish one or more systems of sewerage and drainage in the streets of said city and around said city for the health, cleanliness and comfort of its inhabitants, and the said mayor and council shall also have entire and absolute control and jurisdiction over all soil-pipes, private drains and sewers, water-closets, privy-vaults and the like in said city, with full power to prescribe the location, structures, uses and preservation and to make such regulations concerning them in all particulars as may seem best for the preservation of the health of the inhabitants of said city, and with power also to require changes in and the total discontinuance of any of such contrivances or structures already in existence or that may be hereafter allowed.

Author-
ized to
establish
systems of
sewerage,
etc.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

OPENING, ETC., OF STREETS, ETC., IN ATHENS.

No. 471.

An Act to authorize the mayor and council of the city of Athens to open, lay out, widen, straighten or otherwise change streets, alleys and lanes in said city; to provide the manner of ascertaining damages where private property is taken, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the mayor and council of the city of Athens shall have full power and authority to open, lay out, widen, straighten or otherwise change streets, alleys and lanes in said city, whenever said mayor and council shall see proper to exercise said power, and if it shall be necessary to take private property

Power giv-
on to open,
etc.,
streets, etc.

Amending Charter of Ellijay.

Assessment of damages to private property.

to carry out said power, the said mayor and council shall appoint two freeholders, and the person or persons whose property will be taken shall, upon five days' notice, appoint two freeholders, and the four freeholders so chosen shall proceed to assess the damages sustained by the person or persons whose property will be taken; *Provided*, if said property-owner or owners fail or refuse in said five days to appoint two freeholders, the damages shall be assessed by the freeholders appointed by the said mayor and council, who may call in an umpire if they fail to agree. Said assessors shall take an oath that they will faithfully discharge their duties; and either party, the property-owner or owners and said mayor and council, shall have the right to enter an appeal to the Superior Court of Clarke county within four days from the time the award of said assessors is filed with the clerk of council.

Appeal, etc.

Award

Payment of.

Proviso.

SEC. II. Be it further enacted, When the award of the said assessors is filed with the clerk of council, and is not appealed from, or if appealed from, the damages shall be finally ascertained in appeal, the said mayor and council shall then pay to the property-owners their damages so assessed, and the title to the property so taken shall vest in said mayor and council in fee-simple; *Provided*, that the said mayor and council may at any time, by resolution of council, after the amount of damages in any case has been finally determined, refuse to take the property at the amount of assessment or judgment, as the case may be, and in that event said mayor and council shall be discharged from any and all liability on account of any award, assessment or judgment that may have been rendered in favor of said property-owner, except as to the court costs where there has been an appeal.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING CHARTER OF ELLIJAY.

No. 473.

An Act to amend the charter of the town of Ellijay.

Intendant and commissioners changed to mayor and councilmen.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, "That an Act entitled an Act to incorporate the town of Ellijay, in the county of Gilmer, to grant election powers and privileges to the same, and for other purposes," approved August 16th, 1883,

Amending Charter of Montezuma.

shall be amended by adding thereto the following section, to be known as section ten (10), to-wit: That the above-recited Act shall be amended by striking out the words "intendant" and "commissioners" from the third line of section four and inserting in lieu thereof the words mayor and councilmen, and to strike out the word intendant wherever it may occur in said Act and insert in lieu thereof the word mayor, and to strike out the word commissioners wherever it may occur and insert in lieu thereof the word councilman, and to strike out the word October, in the third line, and insert the word September; that the mayor and councilmen of said town shall levy and collect a street tax not to exceed the sum of two (\$2.00) dollars per annum—said tax to be levied upon all who are subject to road duty, under the general law, within the incorporate limits of said town, which tax so raised shall be expended only for the purpose of keeping the streets and sidewalks of said town; *Provided*, however, that any person subject to road duty as aforesaid shall be allowed to work on said streets in lieu of paying said street tax.

October
changed
to September.
Street tax,
etc.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved October 24th, 1887.

AMENDING CHARTER OF MONTEZUMA.

No. 476.

An Act to amend an Act entitled an Act to incorporate the town of Montezuma, in the county of Macon, and to provide for an election of mayor and aldermen for the same, approved October 12th, 1870; also an amendment entitled "An Act to incorporate the town of Montezuma, in the county of Macon, and to provide for an election of mayor and aldermen for the same," approved December 14th, 1870.

SECTION I. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the charter of Montezuma shall be so amended so as to read as follows: That the municipal government of the town of Montezuma shall consist of a mayor and four aldermen, who are hereby constituted a body corporate, under the name and style of the Mayor and Council of the Town of Montezuma, and by that name and style

Municipal
govern-
ment.

Amending Charter of Montezuma.

General powers.

shall have perpetual succession, shall have a common seal, and be capable in law and equity to purchase, have and hold, receive, enjoy, possess and retain to them and their successors, for the use of the town of Montezuma, any estate or estates, real or personal, of whatever kind or nature, within the jurisdictional limits of the town of Montezuma, or at other place or places outside the corporate limits of the same that the said mayor and aldermen, or a majority of them, may deem best for said corporation, and shall, by the said name, be capable to sue and be sued in any court of law or equity in the State, and shall succeed to all the rights and liabilities of the present corporation of the town of Montezuma, except as otherwise herein provided.

Elections.

SEC. II. Be it further enacted, That an election shall be held at the council chamber, or such other place as the council may select, in the town of Montezuma, on the first Tuesday in January, 1888, and on the first Tuesday in each January thereafter, for a mayor and four aldermen, and a clerk and a treasurer, to serve for one year, and until their successors are elected and qualified.

Polls.

The polls of said election shall be opened at 9 o'clock in the forenoon and closed at 4 o'clock in the afternoon; that the present mayor and aldermen and clerk and treasurer shall continue in office until Wednesday after the first Tuesday in January, 1888, or until their successors are elected and qualified.

Terms of office.

Voters.

SEC. III. Be it further enacted, That all male citizens qualified to vote for members of the State Legislature (provided it shall be construed that they are debarred from voting by failure to pay State, county and other taxes), and who shall have paid all taxes legally imposed and demanded by the authorities of the town, including commutation tax in lieu of street work, and shall have resided six months within the State and sixty days within the jurisdictional limits of the town as a citizen thereof, and have legally registered, and no other person shall be qualified to vote at said election for mayor and aldermen and a clerk and a treasurer.

Conduct of elections.

SEC. IV. Be it further enacted, That the said election shall be held under the superintendence of a justice of the peace or notary public and two or three freeholders, provided a justice of the peace or notary public is not obtainable, who shall be appointed by the town council; *Provided*, no candidate shall be a superintendent of said election; and each of the said freeholders, before entering upon his duties, shall take an oath or affirmation before some justice of the peace or notary public, or mayor or acting mayor, that he will faithfully and impartially conduct said election and prevent all illegal voting to the best of his skill and power. If

Amending Charter of Montezuma.

said managers of said election shall have any reasonable doubt as to the qualification of any voter, they shall have power to administer the following oath: "You, A. B, do solemnly swear ^{Oath of voter.} or affirm (as the case may be) that you have obtained the age of twenty-one years; that you are a citizen of the United States and have resided for the last six months within this State, and the last sixty days as a citizen thereof, within the jurisdictional limit of the town of Montezuma, and have paid all taxes, State, county and other taxes, legally imposed, and paid all taxes legally imposed by the town council of Montezuma, and you have legally and properly registered as a tax-payer and voter of the same." So help you God." And any person who shall take either said oath or affirmation, and shall have sworn or affirmed ^{False swearing.} falsely, shall be liable to indictment and punishment for perjury.

SEC. V. Be it further enacted, That the person or persons who shall receive the highest number of votes at said election for mayor and aldermen and clerk and treasurer, respectively, shall be declared duly elected. ^{Persons elected.}

SEC. VI. Be it further enacted, That after the votes for mayor and aldermen and clerk and treasurer at any election shall have been counted by the managers, they shall seal them up and keep them thirty days; then if no contest shall be entered, they may destroy the same. They shall cause two certified copies of the tally-sheets to be made out, one of which shall be handed over to the mayor for the time being, and the other shall be retained by the said managers; and so soon as the mayor aforesaid shall be informed of the result of said election, he shall cause the persons elected to be notified of the same, and the persons elected, as aforesaid, shall attend on the first Wednesday thereafter, or as soon as practicable, at the council chamber, or such other place as may be designated, for the purpose of organizing the council. After the council shall take, before a justice of the peace or notary public for the county of Macon, the following oath: "I, ^{Returns, contest, etc.} A. B., do solemnly swear or affirm (as the case may be) that I ^{Oath of office.} will well and truly perform the duties of mayor or member of the council (as the case may be) of the town council of Montezuma by adopting such measures as shall, in my judgment, be best calculated to promote the general welfare of the inhabitants of the town of Montezuma. So help me God," and shall forthwith enter upon the duties of their office.

SEC. VII. Be it further enacted, That in case of any vacancy ^{Vacancies.} among the members of the council, either by death or resignation, failure to elect, removal from the town or removal from office, the mayor shall advertise a new election, giving at least ten days' notice to fill the vacancy; and in case of the death of

Amending Charter of Montezuma.

the mayor, his resignation, removal from office, or removal from the town, council shall order an election for filling the vacancy, giving at least ten days' notice in two or more public places in the town.

Mayor pro tem. SEC. VIII. Be it further enacted, That the said mayor and council, or a majority of the council, shall have power to elect a mayor *pro tem.*, who shall be clothed thereby with all the rights, privileges and duties of the mayor—elect when and during the sickness or absence of the mayor, upon taking the usual oath, and not otherwise; a judgment of acquittal or conviction by said mayor may be and shall be pleaded in bar in any court for the same offence; *Provided*, said mayor has jurisdiction.

Judgments in for.

Corporate limits. SEC. IX. Be it further enacted, That the corporate limits of said town shall extend eight hundred and eighty-three (883) yards in every direction from the point where the Southwestern Railroad and Dooley street bi-sect each other; that said corporate limits shall include the premises now owned and occupied by J. B. Dykes, O. C. Cheeves and W. D. Avera; *Provided*, this section shall not be so construed as to subject the corporation aforesaid to the liability of keeping the bridge and turnpike, or dirt embankment connected with the bridge, or either of them, erected over Beaver creek within said corporate limits, in repair, or subject the said corporation to rebuild the said bridge and embankment, or either of them, if the same should be removed or destroyed, or to be responsible in any manner whatever to keep them, or either of them, in repair, or be responsible in any manner whatever for any injury to any person or property that may arise or occur by them, or either of them, being or becoming out of repair.

Impeachment and removals from office.

SEC. X. Be it further enacted, That in the case the mayor, or any member of the council, while in office, shall be guilty of any willful neglect, malpractice or abuse of power confided to him, he shall be cited by the clerk of council, by order of the mayor or the council, to appear before the council at some stated meeting thereafter and stand his trial, and if found guilty of said willful neglect, or malpractice, or abuse of power, he shall be removed from office by two-thirds ($\frac{2}{3}$) vote of council; and he shall moreover be subject to be indicted before some court of competent jurisdiction of the county of Macon, and on conviction shall be fined a sum not exceeding one hundred (\$100) dollars. The said fine shall be paid to the town treasurer for the use of the town.

Qualifications for office.

SEC. XI. Be it further enacted, That no person shall be eligible as mayor of the town of Montezuma unless he be of the age of twenty-five (25) years, a citizen of the United States, and a citi—

Amending Charter of Montezuma.

zen of this State, and shall have resided within the corporate limits of said town two years immediately preceding his election; and no person shall be eligible as a member of the town council unless he be a citizen of the United States, and of this State, a freeman, and shall have attained the age of twenty-one (21) years, and shall have resided within the corporate limits of said town one (1) year immediately preceding his election.

SEC. XII. Be it further enacted, That the said mayor and council of the town of Montezuma shall have power to appoint a marshal and deputy marshal and such other officers of the town as they may deem necessary and proper, and shall have power to regulate the mode and manner of electing said officers, to establish their fees and salaries, take their bond, to prescribe their duties and oaths, and to remove them from office for a breach, neglect or incapacity to discharge their said duties, or to discharge them without cause if they see proper at their discretion. Subordinate officers.

SEC. XIII. Be it further enacted, That the said mayor of the town of Montezuma shall have power to impose fines for violation of any ordinance of the town, passed in accordance with its charter, to the amount of one hundred (\$100) dollars and imprison offenders in the common jail of Macon county, or guard house of the town, for the space of one (1) month, either or both, at his discretion, or unless otherwise provided by this charter. The said fines, after being duly assessed, shall be collected by execution to be issued by the town treasurer against the estate of said offender, if any to be found; if none, the offender may be imprisoned as before provided. Punishment of offenders.

SEC. XIV. Be it further enacted, That the mayor and council shall have power to continue the mayor's court, and the mayor or acting mayor shall preside therein and hold sessions daily, or as often as necessary, to clear the guard-house. He shall have cognizance of all offences against the ordinances of the town and may punish all violations of such ordinances as above provided in section thirteen, or by compulsory labor on the public streets, at the discretion of the mayor, when the ends of justice require it; and the said mayor and council shall have full power and authority to pass all ordinances necessary and proper to carry into effect the powers herein granted, or by the Act of the General Assembly of eighteen hundred and seventy (1870.) Mayor's court.

SEC. XV. Be it further enacted, That the said mayor and council of the town of Montezuma shall have the power to establish and regulate a town guard, who shall have the right to take up any and all persons drunk or disorderly, or any person committing or attempting to commit any crime against the laws of this State, or offences against the ordinances of the town, and commit them to the guard-house or common jail of Macon county, or other place of safety, to await their trial next day; *Provided*, that all who may be arrested on Saturday evening for drunkenness, Town guard.

Amending Charter of Montezuma.

disorderly conduct or other offences against the ordinances of the town, or crimes or other offences against the laws of this State, may be kept incarcerated until the next Monday morning following, when they shall stand their trial before the mayor's court and be dealt with according to the laws of the crime and offences thereto appertaining.

General
municipal
powers.

SEC. XVI. Be it further enacted, That the said mayor and council of the town of Montezuma shall have full power and authority to remove, or cause to be removed, any building, post, step, fence or other obstruction or nuisance in the public streets, lanes, alleys, sidewalks or public squares in said town; they shall further have the power to establish a market or markets in the town of Montezuma, and to pass such ordinances as may be proper and necessary for the regulation of the same; they shall have power to license, regulate and control all taverns and public houses within the town; they shall have power to regulate all butcher pens and slaughter-houses within the town, and remove the same, if they shall become nuisances or injurious to the health of the town. They shall be vested with full power and authority from time to time to make and establish such by-laws, rules and ordinances respecting streets, lanes and alleys, and open courts, and markets and marketing, wharves, public houses, carriages, wagons, drays, livery stables, firemen, fire companies, fire engines and volunteer companies, and for regulating and controlling persons drunk and disorderly, and in general every rule and ordinance that shall appear requisite and necessary for the peace, welfare, health, convenience and best interests of said town and the citizens thereof, or for preserving order, morality, decency and good government of the same, and they are further vested with all power and authority within the jurisdiction of said town which by law is vested in commissioners of roads and streets.

Precau-
tions
against fire

SEC. XVII. Be it further enacted, That the said mayor and council of the town of Montezuma shall have power to remove any forge or smithshop when in their opinion it shall be necessary to do so to insure safety against fire; they shall have power to cause any stove, stove-pipe, or other thing which shall endanger the town as to fire, to be removed or remedied, as their prudence shall dictate.

Impound-
ing ani-
mals.

SEC. XVIII. Be it further enacted, That the said mayor and council of the town of Montezuma shall have power to take up and impound any horses, mules, cattle, hogs, goats, sheep, or any other animals running at large in the limits of said town, and they shall have power to pass such ordinances as may be deemed by them necessary for the proper regulation of stock within the town.

Auction-
eers, etc.

SEC. XIX. Be it further enacted, That the said mayor and council shall have power to license auctioneers and vendue mas-

Amending Charter of Montezuma.

ters annually for the town, charging them for such sums as they may deem proper, and to tax all goods sold on commission or at auction within the limits of the town.

SEC. XX. Be it further enacted, That the mayor and council of the town of Montezuma shall have the sole and exclusive right ^{sale of liquors.} of granting license to liquors, and to sell by retail liquors in the town of Montezuma, and to fix the rate of such license and the terms upon which they shall be issued, of declaring said license void when said terms are not complied with. They shall also have power to license, regulate and control all ten-pin alleys ^{Ten-pin alleys, etc.} and other places of amusements and profits within the town, and to remove the same, or any other thing, when they become nuisances through the neighborhood.

SEC. XXI. Be it further enacted, That the said mayor and council of the town of Montezuma shall have power to tax all theatrical performances, exhibitions, shows, circuses, menageries and like performances in the corporate limits of said town. ^{Shows, etc.}

SEC. XXII. Be it further enacted, That hereafter it shall be the duty of all tax-payers and owners of real estate in the town of Montezuma, and they are hereby required to make their returns under oath to the value of their property in said town, held in their own right or the right of others, to the clerk of the town; ^{Returns for taxes, etc.} *Provided* always, however, that the mayor and any two (2) members of the council selected for that purpose, with the clerk of council, shall have power to supervise all returns made by tax-payers, and if, in their opinion, any of such returns are incorrect in fixing the value of the property of the same, then to correct such returns thus incorrectly made by affixing or assessing such higher value as, within their opinion, may be proper and right; *Provided, however*, that the mayor and council shall have power to appoint a board of tax assessors, who may be vested ^{Assessors.} with power to assess all property in the town, and such assessment may be taken by the said mayor and council as the proper returns. When said board of assessors are so appointed, property-owners are not required to make returns of property; that before said assessors enter upon their duties as such, they shall be required to take such oath as the mayor and council shall prescribe to impartially and justly assess all property, and not knowingly fix a less value to any property than they truly and honestly believe to be the true value of the same; that the mayor or acting mayor may qualify said assessors.

SEC. XXIII. Be it further enacted, That the mayor and council of the town of Montezuma shall have power and authority to ^{Ad valorem tax.} levy and collect tax upon all property, real and personal, within the limits of the town upon banking, insurance and other capital ^{Special taxes.} employed therein, banking and insurance agents, salaries and in-

Amending Charter of Montezuma.

comes derived from property within the town, upon factors, brokers and vendors of lottery tickets, upon agents or managers of gift enterprises, and upon all other persons exercising within the town any trade, calling, pursuit or business of any nature whatever; *Provided*, that no tax upon real estate or stock in trade shall exceed one (1%) per cent. upon the value thereof.

SEC. XXIV. Be it further enacted, That said mayor and council of the town of Montezuma shall have the power to appoint a board of health annually, a majority of whom shall constitute a quorum, to meet weekly, or as often as may be necessary, to visit all and every part of the town and report to the council all nuisances or other things which are likely to endanger the town or neighborhood, and the said mayor and council shall have power, upon the report of the board of health, to cause any such nuisance to be abated, and their recommendations carried out in a summary manner at the expense of the party whose act or neglect causes such nuisance, or of the owner of the premises, as the council shall elect; and the said mayor and council shall have power to fill any vacancy which may occur in the board of health; and should the board of health of said town fail, neglect or refuse to attend to the duties imposed upon them, the mayor and council, or any three (3) of them, shall act as said board of health, and shall have the power to remove all nuisances that may be prejudicial to the health of said town, as above provided, and this Act may be pleaded and shall be a complete defence to any action brought against them (the said mayor and council or either of them) for any act done by them under its provisions and of the ordinances passed in pursuance of it.

SEC. XXV. Be it further enacted, That the said mayor and council of the town of Montezuma shall have power, upon the recommendation of the board of health, or the council acting as said board of health, to cause the owners of lots in the said town to drain the same, or to fill the same to a level with the street or alleys on which said lot or lots are fronting; also compel the owner or owners of cellars or at other places occasionally or constantly holding water to cause the same to be emptied or filled up if they deem it necessary; if the owners of said lot or lots shall fail or refuse, after reasonable notice to him or his agents, to comply with the requirements of the said mayor and council by filling up said lot, or by draining the same, as it may be, it shall be lawful for the said mayor and council to employ some person to do the same, and for the amount so expended the clerk of council shall forthwith issue an execution against the owner of said property to be collected from said lot or other property belonging to him or them, and a sale under said execution by the marshal or deputy marshal shall pass the title to the property sold as

completely as a sale under the judgment and execution by the sheriff.

SEC. XXVI. Be it further enacted, That the said mayor and ^{Streets, etc.} council of the town of Montezuma shall have full power and authority to regulate, lay out, direct and control the streets and grading the same, to assess a tax for the payment of the damages caused by the same upon the property, if any person be injured thereby, and that all streets, alleys, sidewalks, pavements and street crossings shall be under the control, power and direction of the said mayor and council, and they shall have full and complete power and right to direct the mode and manner and style in which all street crossings, sidewalks and pavements shall be constructed, paved or unpaved, and in case of a failure or refusal of any property-owner, after notice given, to comply with the ordinances passed by said mayor and council, or their successors in office, in reference to the construction, paving or repairs of sidewalks, pavements or street crossings, said mayor and council are hereby authorized and empowered to fine said owners in a sum not exceeding one hundred (\$100) dollars and levy and collect the same by execution, as provided for in section twenty-five (25) of this charter.

SEC. XXVII. Be it further enacted, That the said mayor and ^{Street working.} council shall have power to compel each male inhabitant of the town, between the ages of sixteen (16) and fifty (50) years of age, unless exempted by an ordinance of the town, to work ten (10) days under the direction of the marshal, or deputy marshal, or overseer of the streets or pay such commutation tax as the mayor and council may assess in lieu of such work. In case of failure, or refusal to work, or pay such tax, the mayor and council may fine such person for contempt, and enforce the same by imprisonment or compulsory labor upon the streets, or public works, either or both, at their discretion.

SEC. XXVIII. Be it further enacted, That the said mayor and ^{Lewd houses.} council of the town of Montezuma shall have power, upon the proof of the existence and maintenance of any house of ill fame or bawdy house within the town, to cause the occupant thereof to be forcibly removed without the town if they shall refuse to leave the town after five (5) days' notice.

SEC. XXIX. Be it further enacted, That the said mayor and ^{Fees, salaries, etc.} council of the town of Montezuma shall have power to establish the fees and salaries of all the officers and employees of the town, make their bonds when necessary for the faithful performance of their duties, to prescribe their duties and oath.

SEC. XXX. Be it further enacted, That the mayor and council ^{Vagrants, etc.} of the town of Montezuma shall have power to prevent the coming

in the town from beyond the limits of the State persons having no ostensible means of support, or of persons who may be dangerous to the decency and morality, peace and safety of the town, and to compel such persons to leave the town, if they have not been in the same more than thirty (30) days before the order is given.

Rapid
driving,
etc.

SEC. XXXI. Be it further enacted, That the said mayor and council of the town of Montezuma shall have power to prevent the riding or driving of horses or other animals at an improper speed, prevent the flying of kites, throwing of stones, balls, or other objects or things, or engaging in any employment or sport in the town of Montezuma, dangerous or annoying to passengers or citizens or other persons, and to prohibit the abuse of animals, or breaking or training the same in the streets of said town. They shall further have power to regulate the use of fire-arms and fire-works within the said town, and to prevent the discharge or firing of the same, as they may deem best.

General
powers as
to peace,
good order,
etc.

SEC. XXXII. Be it further enacted, That the said mayor and council of the town of Montezuma shall have power to prevent and punish vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances, and disorderly assemblages, to suppress houses of ill-fame and gambling houses, to prevent and punish and suppress lewd and disorderly conduct and exhibitions, and expel therefrom persons guilty of such conduct, to enforce a proper observance of the Sabbath, provide for the inspection of buildings and the prohibition of the erection of unsafe houses, and to provide for the removal of the same, and to appoint and regulate fire limits.

Prisons,
etc.

SEC. XXXIII. Be it further enacted, That the mayor and council of the town of Montezuma shall have power to erect within said town prisons and other places, and said prisons and places may contain such apartments as shall be necessary for the safe-keeping and employment of persons confined therein.

Cemete-
ries, bu-
rials, etc.

SEC. XXXIV. Be it further enacted, That the said mayor and council of the town of Montezuma shall have power to provide, in or near the town, land to be appropriated, improved and kept in order for the interments of the dead, and may charge for the use of the grounds in said place for use of interments, and may regulate and control the same, and further have power to punish persons for trespassing thereon, or doing any manner of injury to any shrubbery or any other appurtenances therein contained, or defacing any grave, or stone, or fence therein, may prevent the burial of the dead in the town except in the public burial grounds; may regulate burials in said ground; may require the keeping and returns of bills of mortality and places of burial by ordinance.

Amending Charter of Valdosta.

SEC. XXXV. Be it further enacted, That the said mayor and members of the council of the town of Montezuma shall be bound to keep the peace, and shall be *ex officio* justices of the peace so far as to enable them to issue warrants for offences committed within the jurisdiction of the town against the laws of this State and the ordinances of the town, and shall have power, on examination, to commit the offender or offenders to jail, or bail them, if the offence be bailable, to appear before a court of competent jurisdiction of the county of Macon. Mayor and councilmen as magistrates.

SEC. XXXVI. Be it further enacted, That the said mayor and council of the town of Montezuma, in all cases of encroachment upon the streets, lands and alleys and other property of the town, shall have the power to remove the same upon reasonable notice, or to permit and sanction the same for a fair and reasonable compensation in money to be paid in the town treasury. Removal of encroachments.

SEC. XXXVII. Be it further enacted, That the mayor and council of the town of Montezuma shall have power to appoint inspectors of weights and measures in use in said town, and further to have the power to pass such ordinances in regard to weights and measures as they deem proper, not in conflict with the standard established by the laws of this State. Inspection of weights and measures.

SEC. XXXVIII. Be it further enacted, That the form of a seal Seal. for the use of the town of Montezuma, Georgia, shall be as follows: The words Montezuma, Georgia, Corpus Politicus, and within a circle the impression of a bale of cotton and a stalk of corn.

SEC. XXXIX. Be it further enacted, That this Act shall take effect and be of force immediately after its passage, and all laws and parts of laws in conflict herewith are hereby repealed. When Act to take effect.

Approved October 24, 1887.

AMENDING CHARTER OF VALDOSTA.

No. 483.

An Act to amend an Act incorporating the town of Valdosta, in the county of Lowndes, approved December 7th, 1860, and the several Acts amendatory thereof, so as to increase the number of aldermen; to confer additional powers on the same, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, Governor. That from and after the passage of this Act, the municipal gov-

Amending Charter of Valdosta.

Corporate
name.
General
powers.

ernment of the city of Valdosta, in the county of Lowndes, shall be vested in a mayor and six councilmen, who are hereby constituted a body corporate, under the name and style of "The Mayor and Council of Valdosta," and by that name and style shall have perpetual succession, and shall in said name have and use a common seal, be capable to sue and be sued, to contract and to be contracted with, to plead and be impleaded in any court of law or equity in this State; shall have power to purchase, lease, hold, receive, enjoy, possess and retain to them and their successors, for the use and benefit of said town, any estate or estates, real or personal, of whatever kind or name, within the limits of said town, and to sell, exchange, lease or convey the same or any part thereof, and to do all other acts relating to their corporate capacity consistent with the Constitution and the laws of this State.

Corporate
limits.

SEC. II. Be it further enacted, That the corporate limits of said city of Valdosta shall extend and embrace one mile in every direction from lot No. 15, in said city, on which the court-house is situated.

Election.

Terms of
office.

Polls.

Conduct of
election,
etc.

SEC. III. Be it further enacted, That an election shall be held at the court-house, in the city of Valdosta, on the second Wednesday in February, annually, for a mayor and six councilmen, to serve one year, or until their successors are elected and qualified. Said election shall be opened at 8 o'clock a. m. and closed at 4 p. m. to be held under the superintendence of a justice of the peace and two freeholders, in said city, or by three freeholders in said city, under the form and regulations prescribed by law for holding elections for members of the General Assembly, in so far as they are applicable to such elections, and do not conflict with the specific rules herein contained.

Result of
election.

Oath of of-
fice.

Certifi-
cates of
election.

SEC. IV. Be it further enacted, That the superintendents of elections shall duly declare the result of said election and shall issue certificates of election to such persons as receive the highest number of legal votes polled, who shall, at such time and place as may be prescribed by the ordinances of said city, qualify by taking an oath to well and truly perform the duties of their respective offices, as such mayor and councilmen, during their term of office, which oath, with the certificate of election given by the said superintendents, shall be entered of record on the minutes of said council, and the originals filed in the office of the clerk of the council.

Qualifi-
cations of vo-
ters.

SEC. V. Be it further enacted, That the qualifications of voters of said election shall be such as are required for electors for the General Assembly, and in addition thereto a *bona fide* residence within the corporate limits of said city for six months next

Amending Charter of Valdosta.

preceding the election, and the payment of all legal taxes and fines required of them by said corporation.

SEC. VI. Be it further enacted, That in case of vacancy in the Vacancies. office of mayor, or councilmen, by death, resignation or otherwise, an election to fill such vacancy shall be ordered by said council to take place at such time as may be specified in such order, after public notice of the same by posting at the court-house door in said city for the space of ten days.

SEC. VII. Be it further enacted, That said mayor and council, Mayor pro tem. at their first meeting in each year, elect one of said councilmen mayor *pro tem.*, who shall, in case of vacancy absence or disqualification of the mayor, perform and discharge all the duties and exercise all authority of the office of mayor upon taking the usual oath, and not otherwise.

SEC. VIII. Be it further enacted, That said mayor and council Subordinate officers. shall have authority to elect a clerk, treasurer, marshal and such officers as they may deem necessary and proper, regulate their salaries, take their bonds, prescribe their duties and oaths, and remove them from office, or impose fines, at the discretion of the said mayor and council.

SEC. IX. Be it further enacted, That said mayor and council Ad valorem tax. shall have power and authority to assess, levy and collect such taxes, not exceeding fifty cents on the hundred dollars, upon all and every species of property, both real and personal, subject to pay county-tax, within the corporate limits of said town (except church and school property), at its market value, on the first day of April of each year; also to levy and collect such special tax on Special taxes. trades, business, occupations, theatrical exhibitions, circusses and shows of all kinds, ten-pin alley, billiards, pool tables, etc., itinerant trades, peddlers, auctioneers and all other trades, games or occupations subject to special tax under the laws of the State, as they may deem proper. They shall have power to tax, license Sale of liquors. and regulate the sale of spirituous liquors and other intoxicating drinks, within the limits of said city; *Provided*, that the tax for the sale of spirituous liquors and other intoxicating drinks shall not be more than six hundred nor less than three hundred dollars, to be paid before issuing said license.

For the purpose of enforcing the payment of the above taxes, Enforcement of taxes. above enumerated, the mayor and council may enact such ordinances and impose such penalties for a violation of the same as they may deem proper, not inconsistent with the Constitution and laws of the State.

SEC. X. Be it further enacted, That there shall be a lien on Lien of taxes. all the property of said citizens or inhabitants of said city, both real and personal, situated therein, for corporation taxes assessed

Amending Charter of Valdosta.

thereon, and for all fines and penalties assessed upon the owners thereof, from the date they are assessed or imposed, which shall have a priority over all liens except liens due the State and county, and may be enforced in the same manner as now prescribed by law for the enforcement of liens due the State and county.

Streets,
etc.

SEC. XI. Be it further enacted, That said mayor and council shall have full power and authority to open or lay out new streets, and to remove any obstruction or nuisance that may be placed in the same, or to widen, straighten or otherwise alter or change any of the streets of said city; and the said mayor and council shall make a proper compensation to the owner or owners of the lands taken for public good, and if the owner or owners and the said mayor and council cannot agree as to the amount of compensation to be paid, the said mayor and council shall select one freeholder and the owner or owners of the land in question shall select one freeholder, and the two selected shall select a third, said freeholders to be residents of said city, and shall take an oath to faithfully discharge their duties to the best of their ability. The said freeholders, after qualifying, shall determine the quantity of land taken and value of the same, assess all damages sustained and the benefits derived by the opening, widening, straightening or otherwise altering or changing such streets or alleys. Said freeholders shall file their award with the clerk of the council, signed by a majority of said appraisers, and either party thereto shall have the right to enter an appeal to the Superior Court of Lowndes county within ten days from the filing of said award.

Ordinan-
ces, etc.

General
municipal
powers.

SEC. XII. Be it further enacted, That said mayor and council shall have full power and authority to enact and enforce all ordinances, by-laws, rules and regulations necessary for the good government of said city, and securing and promoting the health of the inhabitants of said city; they may regulate the running at large in said city of any horse, mule, cattle, hogs, goats, dogs or other animals or fowls, and to prescribe the penalties therefor, to protect places of Divine worship, to provide a cemetery for the burial of the dead, to regulate interments therein, and to expend annually an amount sufficient for the proper keeping of said cemetery, to establish a fire limit for the protection of property from the danger and damage of fire, to provide for the building of houses and other structures.

Fines for
contempt.

SEC. XIII. Be it further enacted, That said mayor, or the mayor *pro tem.*, when in the official discharge of his duties, may fine for contempt, not to exceed fifty (\$50) dollars or thirty (30) days' work on streets.

SEC. XIV. Be it further enacted, That said mayor and council may compel all persons residing within said town who may be subject to road duty, to work on the streets and walks of said town for a space not exceeding ten days in each year, but may receive in lieu of said work a commutation fee from such persons not to exceed five (\$5.00) dollars, and the mayor of said city shall have the same power to punish defaulters as the road commissioners of this State now have; *Provided*, that no defaulter shall have the right to relieve himself of any fine or penalty imposed for his failure to perform street duty after being returned as such defaulter without the consent of the mayor. Street working.

SEC. XV. Be it further enacted, That no person shall be eligible to any office under this Act who is not eligible as a voter at the election, and any officer in this incorporation who shall be guilty of malpractice or abuse of powers confided to him shall be subject to indictment in the superior court, and on conviction shall be fined not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars, (said fine to be paid in to the treasury of said city and for its use), or be imprisoned not to exceed twelve months, in the discretion of the court, and, upon conviction, removed from office. Qualifications for office.
Malpractice in office.

SEC. XVI. Be it further enacted, That the mayor, or mayor *pro tem.*, of said town shall hold a police court in said town at any time for the trial and punishment of persons guilty of violating the ordinances, by-laws, rules and regulations of said city, the punishment inflicted not to exceed a fine of two hundred (\$200.00) dollars, or labor on the streets of said city or public works of said city, or confinement in the calaboose or guard-house not to exceed ninety (90) days; said fine to be collected by execution issued by the clerk of the council against the estate, both real and personal, of the offender, if any to be found. Police court.

SEC. XVII. Be it further enacted, That the marshal, or other police officer, of said town may arrest, without a warrant, any person guilty of violating any ordinances, rules or regulations of said city, and the said marshal, or other police officer, may summon any citizen or citizens of said city to assist in such arrest. Arrests by marshal, etc.

SEC. XVIII. Be it further enacted, That the said mayor, or mayor *pro tem.*, when any person or persons are arraigned before the police court, charged with a violation of any of the ordinances, regulations or rules of said city, may, for good cause shown by either side, continue the hearing to such other time as the case may be adjourned to, and the accused shall be required to give bond and security for his appearance at the time appointed for trial, or be imprisoned to await trial. If such bond be given and the accused shall fail to appear at the time fixed for the trial, the bond may be forfeited by the mayor and council and an execution issued thereon, by serving the defendant, if to be found, and his Mayor may bail or commit offenders.

Amending Charter of Valdosta.

securities with a rule *nisi* at least five days before the time of hearing of such rule *nisi*.

Writs, execution,
etc.

SEC. XIX. Be it further enacted, That all writs, processes, subpœnas, rules *nisi*, etc., for the forfeiture of bonds; all executions issued in behalf of said city for the collection of taxes, fines, forfeitures, or for other purposes, shall be directed to the marshal of said city, and all and singular the sheriffs and deputy sheriffs of said State, signed by the clerk bearing attest in the name of the mayor of said city, and such sheriffs and their deputies are empowered and required to execute all such writs, processes, subpœnas, rules *nisi*, executions, etc., issuing as aforesaid, when the parties or property to be proceeded against are without the corporate limits of said city of Valdosta, and the marshal of said city shall serve all writs, processes, subpœnas, rules *nisi*, executions, etc., when the person or property to be proceeded against are within the corporate limits of said city.

Sales under.

Sales of personal property by the marshal of said city shall be made before the court-house door in said city, after ten days' notice of time, place and property to be sold is posted at three or more public places in said city.

Sales of personal property by the sheriff or his deputy shall be made before the court-house door in the county where the property is, after giving ten days' notice of the time, place and property to be sold, by the posting of such notice in three or more public places in the county.

All sales of real property shall be under the same rules and regulations as now control the sheriff sales of real property in this State, whether made by the marshal of the city or the sheriff of the county, and the deeds from either of the aforesaid officers, made in accordance with such shall pass all the title to the purchaser that existed in the defendant. Claims or illegalities may be interposed to such sales under the same rules and regulations as now exist, or may hereafter exist, for the interposition of claims in the Superior Courts of this State, and all such claims and illegalities are to be returned to the first Superior Court that sits within ten days after the filing of such claims or illegalities.

Mayor as
magistrate.

SEC. XX. Be it further enacted, That the mayor, or mayor *pro tem.*, shall be, during his term of office, a conservator of the peace, and have and exercise criminal jurisdiction of a justice of the peace over all offences committed within the corporate limits of said city.

Salaries.

SEC. XXI. Be it further enacted, That the mayor and other officers shall receive such compensation and pay as the mayor and council shall deem proper, but their compensation shall not be increased or diminished during their term of office.

Amending Charter of Valdosta.

SEC. XXII. Be it further enacted, That the mayor and council shall meet once in every month for the transaction of business, and not oftener unless in the discretion of the mayor, or mayor *pro tem.*, it becomes necessary to have an extra meeting, and in that event the mayor, or mayor *pro tem.*, may call the council together at once, unless the mayor and council may adjourn their meeting to some definite time in the *interim* of regular monthly meetings. Meetings
of council.

That mayor, or mayor *pro tem.*, shall preside at the meetings of the council, but shall vote only in case of a tie.

The mayor, or mayor *pro tem.*, and three councilmen shall constitute a quorum for the transaction of business. Quorum.

SEC. XXIII. Be it further enacted, That it shall be the duty of all owners of taxable property in said city, and they are hereby required to make annual returns under oath to such officers as the mayor and council shall appoint for said purpose and within the time prescribed, a full and complete schedule of all their taxable property, polls, trades, business, occupations, and professions in said city, held in their own right, or in behalf of any other person, and in case any person shall fail or refuse to make such returns or shall make a return deemed by the officer receiving the same incorrect, said officer may assess the property of such person, and may fix such value thereon as he may deem correct and just. If any owner of property, thus assessed by the officer, shall feel aggrieved at the assessment so made, appeal to the mayor and council, and the decision of said mayor and council in fixing the value of the property, shall be final. Returns
for taxes,
etc.

SEC. XXIV. Be it further enacted, That the entire fire department, whether voluntary or paid, shall be under the control of the mayor and council and shall be subject to such regulations as said mayor and council shall adopt. Fire de-
partment.

SEC. XXV. Be it further enacted, That this Act shall not take effect until after the election provided for in Sec. III When Act
to take ef-
fect.

SEC. XXVI. Be it further enacted, etc., That all laws or parts of laws militating against this Act be, and the same are hereby repealed.

Approved October 24, 1887.

Amending the Charter of Atlanta.—Amending the Charter of Rome.

AMENDING THE CHARTER OF ATLANTA.

No 490.

An Act to amend the charter of the city of Atlanta, so as to authorize the mayor and general council of said city, now in office, to increase the salaries of the tax receiver and collector, and recorder and auditor of said city, for the present term at \$1,800 00 per annum, and for other purposes.

Increase of salaries of Tax receiver and collector and recorder and auditor.
Salary fixed.
 SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That the charter of the city of Atlanta be, and the same is hereby amended, so as to hereby authorize the mayor and general council of said city now in office, to increase the salaries of the tax receiver and collector, and recorder and auditor of said city, and to fix the salaries of each of said officers, respectively, at eighteen hundred dollars per annum for the present term of said offices, commencing on the first Monday in July, 1887, and ending the first Monday in July, 1889.

SEC. II. Be it further enacted, That all laws or parts of laws in conflict with this Act are hereby repealed.

Approved October 24, 1887.

AMENDING THE CHARTER OF ROME.

No. 492.

An Act to amend an Act entitled "An Act to consolidate, amend and codify the various Acts incorporating the city of Rome," approved September 25th, 1883, so as to provide for the election of two councilmen from each ward, respectively, of the city of Rome; to change the time of holding elections of mayor and councilmen and city officers; to fix salaries of officers; to provide for an appeal from the city assessors to the mayor and council, and for other purposes.

Salary of mayor reduced.
 SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, that section four of the above-recited Act, be amended by striking out the word "six" in the fourth line of said section, and inserting instead thereof, the word "five," so that the clause so amended shall read: "He shall receive for his services a sum not exceeding five hundred dollars per annum," etc.

Amending the Charter of Rome.

SEC. II. Be it further enacted, That section thirteen of the above-recited Act be stricken out, and instead thereof the following be inserted: "Be it further enacted, That the board of councilmen of the city of Rome shall consist of eight members, selected as follows: two members, residents of the 1st ward; two members, residents of the 2nd ward; two members, residents of the 3rd ward; two members, residents of the 4th ward. On the first Tuesday in March, 1888, four of said councilmen shall be elected for two years, and on the 1st Tuesday in March, 1889, four other councilmen shall be elected for two years. At all subsequent elections, which, except to fill vacancies, shall take place on the first Tuesday in March of each year, four councilmen shall be elected for two years, observing the rule that one of said councilmen shall be from the 1st ward, one from the 2nd ward, one from the 3rd ward, and one from the 4th ward, so that four councilmen shall have their term of office expire every year. They shall be ineligible for the succeeding term. The councilmen shall receive for their services a sum not exceeding one hundred dollars per annum, which shall not be changed during their term of office. The elections provided for in this section shall be by general ticket, and shall be hereafter the general elections for mayor and council of the city of Rome."

Board of councilmen.
How selected.

Compensation, etc.

SEC. III. Be it further enacted, That section twenty of the above recited Act be amended by striking out "December" and "January" in the second and fourth lines of said section, and inserting instead thereof, "March" and "April," so that said section shall read as follows: "The mayor and board of councilmen shall be elected on the first Tuesday in March, but the officers elected shall not enter upon the discharge of their duties until the first Monday in April."

Elections.

SEC. IV. Be it further enacted, That section twenty-two of the above-recited Act be amended by striking from the fourth line thereof, the word "November" and inserting in lieu thereof the word "February," and by striking from the eighteenth line thereof, the word "December" and inserting in lieu thereof the word "March," so that said section when so amended shall read as follows, to-wit: "Section XXII. Be it further enacted, It shall be the duty of the clerk of council to open a list for the registration of voters on the first Monday in September in each and every year, which list shall be kept open until the third Saturday in February following, at 7 o'clock, p. m. when it shall be closed. It shall be the duty of said clerk, upon the personal application of any person entitled to vote as aforesaid, within the time prescribed for the list to be kept open to register the name, age, occupation and place of residence of the applicant; but no person shall be entitled to register who has not paid the taxes, fines and forfeitures required of him by the laws and ordinances of said city, or

Registration.

Amending the Charter of Home.

one who has not had a continued residence within the corporate limits of the city for thirty days immediately preceding the election. The clerk may, in any case, administer an oath to the applicant touching his right to be registered. It shall be the duty of said clerk to arrange and publish an alphabetical list of the names so registered in one or more of the city papers, at least once a week, beginning on the second Monday in September, and ending the first Tuesday in March following, but it shall not be necessary to publish the age, occupation or residence of said voters."

SEC. V. Be it further enacted, That section sixty-nine of the above-recited Act be amended by adding at the conclusion of said section the following additional clause: "Provided, that parties dissatisfied with the assessment of their property by the tax assessors may have the same reviewed by the assessors, by filing with the clerk of council an affidavit that the valuation affixed is excessive, and that the property is not worth the amount assessed, and upon said affidavit being filed, the assessors shall reconsider their assessment, and their report shall be final, unless the party being still dissatisfied should appeal to the mayor and council, which appeal to the mayor and council shall be allowed and heard only in the manner described as follows, to-wit: "Any party dissatisfied with the review and report of the assessors as described above, may at once file with the clerk of council, a statement of his objection or objections with a request to be heard by the mayor and council upon the matter complained of. Upon the filing of said statement and request, which shall be addressed to the mayor and council, it shall be the duty of the clerk to notify the mayor, or in his absence or disqualification, the mayor *pro tem.*, who shall call a meeting of the council at the earliest time practicable, at which meeting of the mayor and council they shall proceed to fix a day and hour not later than the first day of April in any year, at which time all appeals from assessors herein contemplated must be heard. It shall be the duty of the clerk to give prompt and timely notice of the day and hour fixed for hearing appeals, to all parties who have filed their statement and request as aforesaid, as well as to the board of assessors. All appeals from the assessors to the mayor and council shall be heard on the day designated by the mayor and council for hearing appeals, unless continued to another time, and the decision thereon shall be final.

SEC. VI. Be it further enacted, That section seventy-one of the above-recited Act be amended by striking out the date "January, 1884," in the second line of said section, and inserting in lieu thereof the date, "April, 1888," so that the clause amended

Amending the Charter of Rome.

shall read: "There shall be elected by the mayor and council at the first meeting in April, 1888, and biennially thereafter, a clerk of council, etc."

SEC. VII. Be it further enacted, That section seventy-three of the above-recited Act be amended as follows: By striking out the date "January, 1884" in the second line of said section and inserting in lieu thereof the date "April, 1888," so that the clause amended shall read: "There shall be elected by the mayor and council at their first meeting in April, 1888, and biennially thereafter a city treasurer, etc." City treasurer.

SEC. VIII. Be it further enacted, That section seventy-six of the above-recited Act be amended by inserting after the word "council" in the eighth line of said section the following: "*Provided*, the mayor *pro tem.* shall be elected from the board of councilmen annually and shall hold his office for one year only." Mayor *pro tem.*

SEC. IX. Be it further enacted, That the present mayor and those councilmen of the city of Rome, whose terms of office expire on the first Monday in January, 1888, shall hold over until their successors are elected and installed, as provided for in this Act, on the first Monday in April, 1888. But said officers so holding over shall receive as compensation for said *interim* not exceeding the rate of five hundred dollars per annum for the mayor, and one hundred dollars per annum for the councilmen. And all other officers whose terms of office expire in January, 1888, shall serve until the first Monday in April, or until their successors are appointed or elected, at salaries not to exceed those already fixed. Those councilmen whose terms of office expire in January, 1889 shall hold over till the first Monday in April, 1889, or until their successors are appointed or elected, at salaries for said *interim* not to exceed the rate of one hundred dollars per annum. Present officers to hold over.
Compensation.
Other officers.

SEC. X. Be it further enacted, That in any election for councilmen provided for by the charter of the city of Rome, those candidates shall be declared elected who shall have received the greatest number of votes cast as compared with the number cast for other candidates residing in their respective wards. Plurality of votes elect.

SEC. XI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

Amending Charter of Austell.

AMENDING CHARTER OF AUSTELL.

No. 503.

An Act to amend an Act entitled "An Act to incorporate the town of Austell, in Cobb county, Georgia, and to provide for the election of mayor and council, marshal and clerk, and to define their powers and duties," so as to provide for the taxation of agricultural lands lying within the corporate limits of said town.

Sec. 4 of
charter
amended.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid, That from and after the passage of this Act that section 4th of the above Act be, and the same is hereby amended by striking the following words from said section, the words to be stricken to commence with the word "*Provided*," in the eighth line of said section, and to end with the word "land," in the thirteenth line of said section—the words to be stricken are as follows:

Exemption
of lands used
for agricultural
purposes
repealed.

"*Provided*, that nothing in this Act shall be construed so as to give the mayor and councilmen of the town of Austell any authority to levy a tax on land within said corporate limits which is used for agricultural purposes, except not more than one acre, immediately around any dwelling house that may be situated on such land, so that said section as amended will read as follows:

Section as
amended.

"That said mayor and council shall have power annually to fix the salary of the officers of said town, and to levy and collect a tax on all the property within said town, not to exceed one-half of one per cent.; to cause to be worked all streets, roads and alleys in said town by all persons resident therein subject to road duty under the laws of this State, and to fix a commutation tax, to be paid by all such persons in lieu of working on such streets; said mayor and council shall have power to make and establish any and all such by-laws, rules and ordinances as they may deem necessary for the government of said town, which are not inconsistent with the laws and constitution of this State, to punish by fine or imprisonment, or both, in the discretion of the mayor or council; *Provided*, the fine shall not exceed fifty dollars nor the imprisonment thirty days, in the discretion of the mayor and council; *and provided further*, that a tax on land within said corporate limits, which is used for agricultural purposes, shall not be levied unless such tax is ordered by the mayor and council of said town.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

Amending Charter of Rising Fawn.

AMENDING CHARTER OF RISING FAWN.

No. 508.

An Act to amend an Act to incorporate the town of Rising Fawn, in the county of Dade, by repealing so much of said Act as allows the commissioners the right to regulate the sale of spirituous liquors.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid, That from and after the passage of this Act, that section 4th of the above Act be, and the same is hereby amended by commencing with the word "they," in the fifteenth line of said section, and by striking out the fifteenth line, the sixteenth line and seventeenth line, and all of the eighteenth line to the word "license," including the word "license," and by striking out the words "*and*" and "*further*" in the eighteenth line of said section, so that said section as amended will read as follows:

That the president and commissioners provided for in this Act, or a majority of them, shall hold their meetings at such time and places, in the limits of said town, as they may think proper, and shall have power to adopt such by-laws, regulations and ordinances as may in their judgment be necessary for the preservation of the good order, security, peace and welfare of said town, not repugnant to the Constitution and laws of this State or the United States. They shall have power to levy a tax on real and personal property within the limits of said town, not exceeding twenty-five per centum on the State tax, for town purposes; *Provided*, that no tax shall be levied upon any farm lands within said corporation. They may require license not exceeding fifty (\$50.00) dollars, upon all shows and exhibitions for gain, upon ten-pin alleys, billiard tables, and other like establishments; *Provided*, that nothing in this Act contained shall be held or construed to authorize the sale of any spirituous, malt or intoxicating liquors within three miles of the iron furnace railway or coal mines of Walker Iron and Coal Company, owners of the iron furnace, railway and coal mines, formerly owned by the Rising Fawn Iron Company, and shall have power to abate nuisances and remove obstructions from the streets in said town. They shall have power to punish offenders for a violation of any rule, by-law or regulation of said town by fine not exceeding twenty-five dollars, work on the public streets not exceeding ten days, or both, and may require all road-hands living in said town to work

Section 4 of
Charter
amended.Right to
regulate
sale of
liquors
stricken.Section as
amended.

Amending Charter of Jug Tavern.—Incorporating Town of Concord.

the streets thereof not exceeding fifteen days, or in lieu thereof to pay one dollar per day, which shall be used to keep up the streets; and all persons who live in said corporation shall not be liable for other road duty than above specified.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING CHARTER OF JUG TAVERN.

No. 518.

An Act to amend an Act, approved December 24, 1884, incorporating the town of Jug Tavern, said town lying partly in the counties of Jackson, Walton and Gwinnett.

Mayor
made
justice of
the peace.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, the mayor of said town of Jug Tavern is empowered with all the jurisdiction of a justice of the peace in criminal cases within the corporate limits of said town of Jug Tavern.

Marshal
given
powers of
constable.

SEC. II. Be it further enacted, That the marshal of said town is empowered with all the powers of a lawful constable in all criminal cases within the corporate limits of said town of Jug Tavern.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approved October 24, 1887.

INCORPORATING TOWN OF CONCORD.

No. 529.

An Act to incorporate the town of Concord, in the county of Pike, and State of Georgia; appoint commissioners for the same, and for other purposes.

Provisional
commissioners.

Corporate
name.

SECTION I. The General Assembly of the State of Georgia do enact, That E. M. Hooten, N. B. Walker, T. L. McLendon, W. E. Lloyd, J. C. Irvin, and their successors in office, be, and they are hereby appointed commissioners and made a body corporate under the name and style of the Town Council of Con-

Incorporating Town of Concord.

cord, and shall hold their office until the first Saturday in January, 1888, and until their successors are elected and qualified.

Term of
provisional
commissioners.
Elections.

SEC. II. Be it further enacted by the authority aforesaid, That on the first Saturday in January, 1888, and on the first Saturday in January of each subsequent year, an election shall be held at some suitable place in said town for five commissioners to serve for one year next after their elections, and until their successors are elected and qualified, at which no person shall be entitled to vote who is not a resident within the corporate limits of said town, who are entitled to vote for members of the General Assembly, at which elections three freeholders, residents in said town, may preside and conduct the same, and in case of vacancy by death, resignation or otherwise, said commissioners shall have power to order an election to fill said vacancy; said election shall be conducted as hereinbefore specified, ten days notice being first given.

Voters.

Conduct of
elections.
Vacancies.

SEC. III. Be it further enacted by the authority aforesaid, That the corporate limits of said town shall extend one half mile in all directions from the center of the depot of the Georgia Midland and Gulf Railroad in said State.

Corporate
limits.

SEC. IV. Be it further enacted by the authority aforesaid, That the town council shall, at its first meeting after their election and qualification, elect from their own number a presiding officer, who shall be styled chairman of the council, and appoint a marshal, clerk and treasurer who shall hold their office during the pleasure of the council, and who, before they shall enter upon the duties of their offices, shall give bond and security for the faithful performance of the duties of their office in such sum as the said council shall require.

Chairman.

Subordi-
nate off-
cers.

Bond.

SEC. V. Be it further enacted by the authority aforesaid, That a majority of said council shall constitute a quorum for business, shall have full power to pass by-laws, and do all acts which they deem proper for the welfare of said town, not contrary to the Constitution and laws of this State or of the United States. All ordinances or by-laws passed by said council, shall be entered by the clerk, in a book to be kept by him for that purpose, and shall be opened at all times for inspection of any person interested and copies of all ordinances shall be posted in the most public places of said town that the same may be generally known.

Quorum.

Powers of
council.

Minutes.

SEC. VI. Be it further enacted, That said council shall have full power to lay out and open new streets in said town and to abolish or alter any street already laid out or that may be laid out. Whenever this power is exercised they shall appoint two freeholders, and the owner or owners of lots fronting or lying on said street, shall, on five days' notice, appoint two freeholders, who shall proceed to assess the damages sustained or the advantages

Streets.

Incorporating Town of Concord.

derived by the owner or owners of said lots in consequence of opening, widening, straightening, or otherwise changing said street and in case said assessors cannot agree, they shall elect a fifth freeholder, the said assessors to take an oath that they will faithfully discharge their duties, and the council of said town to have power and authority to pay whatever damages may be found, and if found advantageous to said owner of said lot or lots to enforce the award in every case.

Tax on shows, etc.
Ad valorem taxes.
Fine and imprisonment.
Street working.

SEC. VII. Be it further enacted, That said council shall have full power to tax all shows, and other entertainments for the purpose of gain, and itinerant traders, and to levy and collect taxes on all property in said town taxable for county purposes, said tax not to exceed the State and county tax; that said council shall have power to fine or imprison, or both, at their discretion, all persons who shall be guilty of the violation of the by-laws, rules and ordinances of said corporation, and provide for the collection of said fines; said fines shall not exceed more than thirty dollars or imprisonment more than ten days; they shall have power also to compel all persons within the limits of said town, who are under the laws of this State subject to road duty, to work the streets in said town in accordance with the laws now in force in said county, and subject to same penalties: *Provided*, however, said council may have power to receive commutation in lieu of work, which commutation shall be expended on said streets.

Oath of office.

SEC. VIII. Be it further enacted, That the council, with the marshal, treasurer and clerk, before entering on the discharge of their duties, shall take an oath to discharge their respective duties faithfully.

Use of fines, taxes, etc.

SEC. IX. Be it further enacted, That all fines, taxes, and forfeitures collected under this Act, shall be for the use and benefit of said town.

Sale of liquors.

SEC. X. Be it further enacted, That the right to issue license to sell spirituous or malt liquors of any kind shall be vested in the mayor and council of said town.

SEC. XI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1837.

Incorporating the Town of Collinsville.

INCORPORATING THE TOWN OF COLLINSVILLE.

No. 531.

An Act to incorporate the town of Collinsville, in the county of DeKalb, and grant certain powers and privileges to said town, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act the town of Collinsville, in the county of DeKalb, be, and the same is hereby incorporated under the name of the "Town of Collinsville," with such metes and bounds as is hereinafter mentioned, Corporate name.

SEC. II. Be it further enacted by authority aforesaid, That the incorporated limits of said town shall extend one-half mile in every direction from the office of the Atlanta Granite Company, situated just north of the Georgia Railroad in DeKalb county. Corporate limits.

SEC. III. Be it further enacted by the authority aforesaid, That an election shall be held on the first Saturday in November, 1887, for a board of five commissioners, who shall serve for one year and until their successors are elected and qualified. First election.

SEC. IV. Be it further enacted by authority aforesaid, That on the first Saturday in November, 1888, a second election shall be held for commissioners, and annually thereafter, on the 1st Saturday in November. But no one shall vote or be eligible to the office of commissioner of said town who does not reside within the incorporate limits thereof, and who is not qualified to vote for members of the General Assembly of this State. Said election shall be held and conducted in the same manner as elections for county officers in this State, and a certificate of the managers of said election shall be sufficient authority to the persons elected to enter on the discharge of their duties as such commissioners. Subsequent elections.

SEC. V. Be it further enacted by authority aforesaid, That before entering on the duties of their office the said commissioners shall take and subscribe to the following oath: "You do solemnly swear that you will faithfully discharge all the duties devolving upon you as commissioners of the town of Collinsville to the best of your ability and understanding. So help you God." Qualifications of voters and for office.

SEC. VI. Be it further enacted by authority aforesaid, That said commissioners shall elect a chairman from their number, who shall have authority to try all offenders against the ordinances of said town, and who shall have authority to issue warrants and bind over to the Superior Court of said county all offenders against the laws of said State. They shall also elect a chairman *pro tem*. Conduct of elections, etc.

Chairman.

His powers, etc.

Chairman *pro tem*.

Incorporating the Town of Collinsville.

pro who, in the absence of the chairman, shall exercise all the duties of the chairman of the board.

Subordi-
nate offi-
cers.

They shall also elect a clerk from their number, who shall record in a book kept for that purpose all the proceedings of said board.

They may elect a marshal and such other subordinate officers as may be necessary to the carrying into effect the powers herein conferred.

Ordinan-
ces, etc.

SEC. VII. Be it further enacted by the authority aforesaid, That said commissioners shall have power and authority to pass all ordinances and by-laws that they may deem necessary for the government of the town, which are not inconsistent with the laws of said State or of the United States.

Ad valorem
tax.

SEC. VIII. Be it further enacted by authority aforesaid, That said commissioners shall have power to levy and collect a tax not exceeding one-half of one per cent. upon all property, both real and personal, within the incorporate limits of said town; they shall also have authority to levy a street tax of not exceeding three dollars per annum upon all residents of said town between the ages of twenty-one and fifty. This tax shall be in lieu of not exceeding five days' work on the streets of said town and of road work in the county in which said town is located: *Provided*, that nothing herein contained shall prevent any person subject to said street tax from paying said street tax in work on said streets for such time as said commissioners shall elect, not exceeding ten days. They shall have power to imprison any defaulter who fails to pay the prescribed street tax, or to work on the streets in lieu of said tax.

Street tax.

May be
paid in
work.

Defaulters

SEC. IX. Be it further enacted by authority aforesaid, That upon death or resignation of any member of said board of commissioners, the remaining members of said board shall order an election to fill the vacancy occasioned thereby after giving at least ten days' notice thereof.

Vacancies.

SEC. X. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24 1887.

AMENDING ACT AS TO TITLE OF COMMONS IN COLUMBUS.

No. 532.

An Act to amend an Act entitled an Act to vest the title to the commons of the city of Columbus in commissioners, to sell the same, and apply the proceeds to certain purposes, approved February 18th, 1873, so as to empower said commissioners at the request of the mayor and council of the city of Columbus to grant to railroad companies permission to sell or lease commons lands set apart, or that may be hereafter set apart, to them for railroad purposes, and to prescribe the mode and manner of said sale or lease, and to provide for the disposition of the proceeds arising therefrom, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, the Act entitled and Act to vest the title to the commons of the city of Columbus in commissioners, to sell the same, and to apply the proceeds to certain purposes, approved February 18th, 1873, be amended as follows: That said commissioners of commons be authorized and empowered upon the request of the mayor and council of the city of Columbus, to grant to any railroad company holding commons lands for railroad purposes, or to whom the said commissioners of commons, or the said mayor and council, may have, or hereafter may set apart such commons lands for railroad purposes, the right, privilege and authority to sell, or lease any portion of said lands so held or set apart, and the said lands so sold or leased, may be conveyed by said railroad companies, and the title thereto be vested in the purchasers when sold, and the use and occupation in the lessees when leased; *Provided*, the said railroad companies or either of them will and shall pay into the treasury of the city of Columbus one-half of the purchase money received from the lands so sold, or one-half of each year's rental for the lease of any of said lands, during the entire period of such lease; and *Provided also*, that whenever an extension of any one of the public streets of the city of Columbus, if prolonged to the corporate line, would be located through or on any land heretofore set aside for railroad purposes, or which may hereafter be so set aside, the title to so much and such part of said land as is necessary for the extension of said street of same width as the original street, shall not vest in the railroad company, for whose use the same is set aside, nor shall that part of such land as is necessary for such extension of any one of said streets ever be sold or leased.

Commissioners may permit railroads to sell or lease part of commons.

Disposition of proceeds.

Extension of streets through.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

New Charter for Lincolnton.

NEW CHARTER FOR LINCOLNTON.

No. 537.

An Act to consolidate, amend and supersede the Acts incorporating the town of Lincolnton, in the county of Lincoln; to provide for mayor and councilmen, define their duties, repeal conflicting laws, etc.

New charter. The General Assembly of the State of Georgia do enact, That from and after the passage of this Act, the several Acts incorporating the town of Lincolnton, as well as the Acts amendatory thereof, be, and the same are hereby so amended that the charter of said town shall read and be as follows:

Government. SECTION I. Be it enacted, etc., That the municipal government of the town of Lincolnton shall consist of a mayor and five councilmen, who are hereby constituted a body corporate under the name and style of mayor and councilmen of the town of Lincolnton, and by that name and style shall have perpetual succession, and shall, by said name, be capable to sue and be sued in any court of law or equity, plead and be impleaded, and do all other Acts relating to their corporate capacity.

Corporate limits. Sec. II. Be it further enacted, That the corporate limits of said town shall extend one-half mile in every direction from the court-house in said town; but the corporate limits of said town may, however, be extended to one mile in every direction from the court-house by submitting the question of extension to the legal voters of said town; a notice of an election for this purpose shall be given by the mayor, whenever ordered by the council to do so, for thirty days, at which election if a majority of the legal voters of said town shall vote for extension, then the limits shall be extended; *Provided*, that said election shall not occur oftener than once in each year.

Elections. SEC. III. Be it further enacted, etc., That the government of said town shall be vested in a mayor and five councilmen, to be elected on the 3d Saturday in December in each year, whose term of office shall be for one year, or until their successors are elected and qualified. No person shall be eligible to the office of mayor or councilman unless he is a qualified voter under the laws of Georgia, and has resided within the corporate limits of said town six months before his election. Said election shall be managed by two or more freeholders, and when the results of said elections have been ascertained, said managers shall certify to the same, and file a list of the voters, tally sheets and votes with the clerk of the council, and the persons receiving the highest number of votes, as shown by the returns for mayor or council.

Terms.**Qualifications for office.****Conduct and result of election.**

New Charter for Lincolnton.

men, shall be declared elected for the ensuing year, who shall, within twenty days after said election, and before entering upon their duties, subscribe to the following oath before the mayor of said town, or some officer of the State authorized to administer oaths, ^{Oath of office.} the following: "I, as mayor and councilmen of the town of Lincolnton, do swear that I will well and truly perform all the duties required of me by law, as such mayor and councilman to the best of my skill and power, so help me God!" All persons who are ^{Voters.} eligible to vote for members of the General Assembly shall be entitled to vote in any election held in said town

SEC. IV. Be it further enacted, etc., That when said mayor ^{Powers of mayor and council.} and councilmen have been elected and qualified, as provided by the preceding sections, they shall constitute a body corporate, with power to sue and be sued in any of the courts of this State; to purchase, hold and convey property for the use of said town; to contract and be contracted with, so far as may be necessary to the proper management of the affairs of said town; to make all needful rules, by-laws and ordinances necessary for the proper government of said town not inconsistent with the laws of this State, to preserve the good order and health of said town, and may abate all nuisances within their jurisdiction; establish and open new streets in said town, as the public interest may require; to keep in good order and repair the streets and sidewalks of said town, and may require and compel all persons residing within the limits of said town, subject to said duty under the laws of the State, to work on said streets and sidewalks, not to exceed ten days in each year, but they may assess in lieu thereof a commutation fee, not to exceed five dollars per capita, to be expended on said streets. Said mayor and council shall have power to levy and collect for the use of said town a tax on all the property situated in the same, both real and personal, not to exceed one-half of one per cent.; may levy and collect a special tax, to be fixed in their discretion, on all shows and exhibitions for gain, peddlers, itinerant traders, drays, livery or sale stables, horses or ordinary vehicles for hire or transportation in said town, warehouses, auctioners, market houses, billiard tables, bagatelle tables, ten-pin alleys, and other establishments for amusement or gain, including games of any kind, etc.; also, to regulate the sale of wines, beers, ales, and other drinks in said town, to grant or refuse license for the sale of the same, and to fix on said business a tax for the use of said town, to be paid before said business can be engaged in—like other special taxes; and to levy a tax on all stock of any kind running at large in said town, and exercise any other power necessary, in the judgment of the council, that will be for the best interest of the health, peace and good order of said town.

New Charter for Lincoln.

Police courts, etc. SEC. V. Be it further enacted, etc., That said mayor shall hold his police courts at such times as may in his discretion secure the public interest, to try offenders for all violations of any rules or ordinances prescribed for the government of said town, and may punish for the violation of the same, by such fines and imprisonment, or work on the streets in said town, or either, in such manner as may be prescribed by ordinances, not to exceed a fine of fifty dollars or imprisonment for thirty days, and when said mayor is sitting as a court may fine for any contempt offered said court, not to exceed ten dollars or imprisonment not to exceed five days for such contempt. But from all decisions of such mayor (except in cases of contempt) there may be an appeal on such terms as may be prescribed to the mayor and council.

Subordinate officers. SEC. VI. Be it further enacted, etc., That said mayor and councilmen may appoint a clerk and treasurer and marshal, and prescribe their duties, and require them to give such bond in such amount as they may fix, conditional for the faithful performance of their duties, and to fix their compensations.

Minutes. SEC. VII. Be it further enacted, etc., That said mayor and councilmen shall require their clerk to keep a complete record or minutes of all their proceedings, and require their treasurer to keep an itemized statement of all moneys received by him from every source, when and to whom paid out, and to take and file his vouchers for all such payments, all of which books shall be open to the inspection of any citizen of said town at any time.

Mayor pro tem. SEC. VIII. Be it further enacted, etc., That in the event of the absence of, or sickness of, the mayor, or from any reason he cannot act, said councilmen may select one of their number mayor *pro tem*, who shall be required to perform all the duties of the mayor.

Salaries. SEC. IX. Be it further enacted, etc., That the salary of the mayor and other officers shall be fixed by the mayor and councilmen at their first meeting in each year, which shall not be changed during their term.

Mayor. SEC. X. Be it further enacted, etc., That the mayor shall be chief executive officer of said town, and shall cause all offenders against any ordinances of the town to be arrested by the marshal, or any police officer, when engaged in the act, without a warrant, and held in custody by placing him in the guard-house or common jail until his case can be disposed of by the mayor.

Appearance bonds. SEC. XI. Be it further enacted, etc., That said mayor and council shall have the power to provide how any bond that may be taken, payable to them, for the appearance of any offender before the mayor may be forfeited.

Collection of taxes, etc. SEC. XII. Be it further enacted, etc., That it shall be the duty of the marshal, after the taxes have been assessed, to collect the

Amending Charter of Dawson.

same, and if the same is not paid on demand of the marshal, the mayor shall issue his execution for said taxes and fines, which shall be imposed by said marshal, in the same way sales are made under *tax fi. fas.* as for State and county taxes, and that taxes when assessed shall have a lien on the property of the defendant prior to all other liens except for State and county taxes, but shall rank next to them.

SEC. XIII. Be it further enacted, etc., That if any vacancy ^{Vacancies} should occur in the office of mayor or councilmen from any cause, the same shall be filled by said board.

SEC. XIV. Be it enacted, etc., That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING-CHARTER OF DAWSON.

No. 543.

An Act to alter and amend an Act approved September 21st, 1883, entitled an Act "To establish a new charter for the city of Dawson, and for other purposes," by striking out section 17 of said Act and inserting in lieu thereof a new section to be known as section 17, extending the fire limits of said city of Dawson and conferring additional powers on the mayor and aldermen of said city in regard to the removal of wooden buildings within such fire limits, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, ^{Sec. 17 of} That from and after the passage of this Act, the above-recited ^{charter} Act be, and the same is hereby altered and amended by striking ^{stricken.} therefrom section 17 and inserting in lieu thereof the following, ^{New sec-} to be known as "section 17" of the charter of said city of Dawson: ^{tion.}

"SEC. XVII. Be it further enacted, That no wooden building ^{Fire limits} or structure shall be erected in said city of Dawson within the territory lying north of Second avenue, east of Vine street, south of Fourth avenue, and west of Stonewall street, or fronting on any portion of Lee street west of Orange street, or fronting on either side of Stonewall street between Lee and Johnson streets, except with the unanimous consent of the mayor and aldermen of said city of Dawson. Said mayor and aldermen shall have power and authority, whenever it shall be by them deemed necessary to the security, welfare, convenience and interests of said

New Charter for Town of Tennille.

Removal of
buildings,
etc.Compensa-
tion.Ordinan-
ces, etc.

city of Dawson, to remove any wooden building or buildings now standing, or hereafter to be erected within the limits provided in this section; *Provided*, that said mayor and aldermen shall first tender just compensation to the parties to be injured for the property to be removed. The said mayor and aldermen shall have power to pass any and all ordinances necessary to carry into effect the provisions of this section."

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

NEW CHARTER FOR TOWN OF TENNILLE.

No. 549.

An Act to provide a new charter incorporating the town of Tennille in the county of Washington, and to grant certain powers and privileges to said town, and for other purposes.

New char-
ter.

The General Assembly of the State of Georgia do enact, That from and after the passage of this Act, the Act incorporating the town of Tennille, as well as the Acts amendatory thereof, be, and the same are hereby repealed, and the charter of said town shall read as follows:

Govern-
ment.Corporate
name.General
powers.

SECTION I. Be it enacted, That the municipal government of the town of Tennille shall consist of a mayor and six aldermen, who are hereby constituted a body corporate under the name and style of the Mayor and Council of the Town of Tennille, and by that name and style shall have perpetual succession, and shall by said name be capable to sue and be sued in any court of law or equity in this State, plead and be impleaded, and do all other acts relating to their corporate capacity, and shall be capable in law to purchase, hold, receive, enjoy and possess, and to retain for the use and benefit of said town of Tennille in perpetuity or for any term of years, any estate, real or personal, lands, tenements, hereditaments of what kind or nature soever, within the limits of said town, and to sell, alien, exchange or lease the same, or any part thereof, or convey the same, or any part thereof, in any way whatever.

Corporate
limits.

SEC. II. Be it further enacted, That from and after the passage of this Act, the corporate limits of the town of Tennille shall

New Charter for Town of Tennille.

be as follows, to-wit: On the line of the Central Railroad and south of said road within a radius of one thousand yards in each and every said direction from the present warehouse of said railroad at the station now known and designated as Tennille, in the said county of Washington, and commencing at the western limit on the said Central Railroad and running in a direct line to a point on the street known as Adams street to the district line of the 1399th G. M. district and the 97th district as now established; running thence the district lines of said districts to the Tennille and Sandersville public road at the "Orr cemetery," thence due east to the Sandersville and Tennille Railroad, thence down said railroad to the present incorporate limit post on the line of said road, thence to the incorporate limit post as it now stands on the eastern end of the Central Railroad.

SEC. III. Be it further enacted, That John C. Harman, mayor, W. J. Joiner, Jr., J. F. Murchison, H. S. Hatch and W. P. Davis, the present incumbents, and James W. Smith and H. E. Hyman as aldermen, shall constitute the mayor and board of aldermen of the town of Tennille, under the provisions of this charter, until an election shall be held; that an election shall be held at the council chamber, or such other place as the mayor or mayor *pro tem.* of said town shall direct and designate, on the first Saturday in May, 1887, and on the first Saturday in May in each year thereafter, for mayor and six aldermen, who shall hold their offices for one year, or until their successors are elected and qualified, and should there fail to be an election held in said town at the time above specified from any cause whatever, the mayor of said town shall order an election held in said town by posting a notice in three public places and advertising said notice in any public gazette having a circulation in said town.

Said notice shall be posted ten days before said election. The polls at said election shall not be opened before nine o'clock a. m. and shall be closed at four o'clock p. m. The qualifications of voters at said election shall be such as are required for electors for the General Assembly, and in addition thereto residence within the corporate limits of said town for six months next preceding the election, and the payment of all legal taxes required of them by said corporation, and registration as hereinafter provided.

SEC. IV. Be it further enacted, That said election shall be held under the superintendence of a justice of the peace and two freeholders, or three freeholders—said superintendents to take an oath for the due and legal performance of their said duties as such superintendents, and to have all the powers incident to superintendents of elections in this State. In case the managers shall have any reasonable doubt as to the qualifications of any

Provisional government.

Elections.

Failure to hold election.

Polls.

Voters.

Conduct of election.

New Charter for Town of Tennille.

voter, or should any vote be challenged, they shall administer the following oath: "You do swear that you are a citizen of the State of Georgia; that you have attained the age of twenty-one years; that you have resided one year in this State, and for the last six months within the corporate limits of the town of Tennille, and have paid all taxes legally required of you by said town of Tennille. So help you God."

SEC. V. Be it further enacted, That the superintendents of said election shall conform to the laws governing elections in this State, in so far as they are applicable to said elections, and shall only declare the result of said elections, and shall issue certificates of election to such persons as received the highest number of votes polled, who shall within ten days from said election qualify by taking an oath to well and truly perform the duties of their respective offices before an officer authorized in this State to administer oaths. Said oath shall be filed with the clerk of council and by him preserved, which oath, with a list of voters and tally-sheet, shall be entered of record on the minutes of council; *Provided*, that in the event of the filing of a contest to said election, the party whose election is contested shall not exercise the duties of his office until said contest shall have been heard and determined by council, who shall hear and determine all contests under such rules and regulations as they may prescribe, and whose decision shall be final.

SEC. VI. Be it further enacted, That at the first meeting of said council in each year, they shall choose from their own number a mayor *pro tempore*, who shall, in the absence, sickness or disqualification of the mayor, perform all the duties required of the mayor, and in case of the absence, sickness or disqualification of the mayor, the mayor *pro tempore* shall be clothed thereby with all the rights, privileges and duties of the mayor-elect, when and during the sickness or absence of the mayor, upon taking the usual oath, and not otherwise, and if the mayor *pro tempore*, as well as the mayor elected by the people, shall both be unable from any cause to attend to their duties, the council shall elect another mayor *pro tempore*, who shall thereby be clothed with all the powers, rights and duties of mayor of the town upon taking the usual oath.

SEC. VII. Be it further enacted, That in case of the death, resignation or removal from office or removal from town of the mayor, the mayor *pro tem.* shall order an election to fill said vacancy, as is prescribed in section three of this Act (in case of failure to hold an election), and in case of a vacancy in the board of aldermen, arising from any cause, as above mentioned, said vacancy shall be filled by an election to be ordered by the mayor, or mayor *pro tem.*, as the case may be, in the same manner as is

prescribed in section three of this Act, as in case of failure to hold an election.

SEC. VIII. Be it further enacted, That no person shall be eligible to any office under this Act who is not eligible as a voter at the election aforesaid, and any officer of said incorporation, who shall be guilty of malpractice or abuse of the powers confided to him, shall be subject to indictment in the Superior Court, and on conviction shall be fined not less than fifty nor more than five hundred dollars (said fine to be paid over to the treasurer of said town and appropriated to the use of said town), or be imprisoned not to exceed six months, in the discretion of the court, and upon said conviction said party shall be removed from office.

Qualifications for office.

Malpractice.

SEC. IX. Be it further enacted, That said mayor and aldermen shall have power and authority to elect such marshal and clerk and treasurer and other officers as they may deem necessary for the purpose of carrying into effect the provisions of this Act and the powers hereby conferred upon them, and to prescribe the fees and pay of such subordinate officers, and to require such bonds for the faithful performance of the duties of such officers as they may deem necessary and proper. They shall have power to suspend, remove from office or punish them for a breach or neglect of duty, or to suspend or remove them from office for incapacity to discharge their respective duties from any cause.

Subordinate officers.

SEC. X. Be it further enacted, That said corporation shall have and enjoy all the rights, privileges and powers incident to such corporations, not repugnant to the Constitution of the United States, the Constitution of this State, and the laws made in pursuance thereof, and said corporation, by their mayor and aldermen, shall have full power and authority to enact and enforce all ordinances, by-laws, rules and regulations necessary for the good government of said town, and securing the health of the inhabitants thereof, and that may be necessary to carry this Act into full effect, and all ordinances, by-laws, rules and regulations now in force in said town, not inconsistent with this Act, are hereby declared valid and of force until amended or repealed by said mayor and aldermen of said town.

Ordinances, etc.

SEC. XI. Be it further enacted, That the mayor or mayor *pro tem.* of said town shall hold a police court in said town at any time for the trial and punishment of all violators of their ordinances, by-laws, rules and regulations of said town—the punishment inflicted not to exceed a fine of one hundred dollars, or in default of the payment of said fine and the costs by labor on the streets of said town, or public works of said town, not to exceed sixty days, or confinement in the common jail of the said town not to exceed sixty days.

Police court.

SEC. XII. Be it further enacted, That the mayor and other officers shall receive such pay and compensation as the mayor

Salaries.

New Charter for Town of Tennille.

and council shall deem proper, but their compensation shall not be increased or diminished during their term of office.

Sale of
liquors.

Ten-pin
alleys, etc.

SEC. XIII. Be it further enacted, That the mayor and aldermen of the town of Tennille shall have the sole and exclusive power of granting license to retail spirituous, ale or vinous and malt liquors in the town of Tennille in any quantity, and for fixing the rates of such license and the terms upon which they shall be issued, and of declaring such license void when said terms are not complied with; *Provided, however*, the above provisions of this section shall not be operative so long as the sale of spirituous liquors are prohibited in Washington county. They shall also have power to license, regulate and control ten-pin alleys, billiard and pool tables, or to prohibit the establishment of said tables and remove or abate said tables or alleys when they may deem necessary. They shall have full power and authority to license all livery stables, and all buggies, hacks, wagons, carts, and drays, and other conveyances kept for hire in said town, and fix such rules and regulations as they may deem necessary to govern any person engaged in carrying passengers in or out of said town for pay. They shall have full power and authority to care for and make any and all necessary repairs to the cemeteries of said town, to regulate and provide for the burial of the dead therein, and may sell and by deed grant to persons who may wish to purchase any vacant and unoccupied lots in said cemeteries for burial purposes; shall have power to employ a sexton for same, with such assistance as may at any time be necessary, and do whatever they may deem best to preserve, protect and beautify said cemeteries.

Ad valorem
taxes.

Special
taxes.

SEC. XIV. Be it further enacted, That said corporation shall have full power and authority to assess and levy and collect taxes upon the real and personal estate within the corporate limits of said town as they shall deem necessary for the support and government of said town, not inconsistent with the laws and Constitution of this State, and collect such tax on trades, business occupations, theatrical exhibitions or other performances exercised, performed or exhibited within the corporate limits of said town as may be deemed proper, and to fix and collect such tax on circuses, menageries and all shows of domestic or wild animals as may be deemed proper by said mayor and aldermen.

Obstruc-
tions, nui-
sances, etc.

SEC. XV. Be it further enacted, That the mayor and aldermen of said town shall have full power and authority to remove, or cause to be removed, all buildings, porches, steps, fences or other obstructions or nuisances in the public streets, lanes, alleys, sidewalks or public squares of said town; also to license, regulate and control all taverns, restaurants, boarding-houses and public houses in said town; to regulate all butcher-pens, tan-yards, blacksmith shops, forges, stoves and chimneys within said town, and to remove, or cause to be removed, the same, or any of

them in case they should become dangerous or injurious to the health of any citizen of the town, or become nuisances, and also to fill up all pits, cellars and excavations in said town, or cause the owner to do so, when the council shall deem the same necessary to be done; also full power to regulate and control all pumps, wells, livery stables, fire companies and engines, or any apparatus of like character within said town.

SEC. XVI. Be it further enacted, That all males over the age of sixteen years and under the age of fifty years, who have resided in said town ten days, shall be subject to work the streets and roads of said town, not exceeding fifteen days in each year, or to be taxed therefor, as the council may direct or determine, as a commutation tax, not to exceed three dollars per year, and the mayor and council shall have full power and authority to call out each and every male person within the jurisdiction of said corporation subject to street duty, who shall be compelled to do road and street duty according to the laws of this town; and the said mayor and council shall have power to punish defaulters by a fine of not more than two dollars per day for each day's default, and in default of the payment of said fine, to work upon the streets or public works of said town not less than ten or more than thirty days, or the said mayor and council shall have the power to levy and collect a tax in lieu of such road and street duty from all persons subject thereto, and no person who shall be indebted to said town in any tax, fine, fee or assessment shall be allowed to vote at any election held under this charter. Street working.

SEC. XVII. Be it further enacted, That the mayor and council of said town shall have full power and authority to open and lay out, to widen, straighten or otherwise change streets and alleys in said town. Whenever the mayor and aldermen shall exercise the power above delegated, they shall appoint two freeholders and the owner or owners of lots fronting on said streets or alleys, shall on five days' notice, appoint two freeholders who shall proceed to assess the damages sustained or advantages derived by the owner or owners of said lots in consequence of the opening, widening, straightening or otherwise changing said streets and alleys; and in case said assessors cannot agree, they shall select a fifth freeholder—the said assessors to take an oath that they will faithfully discharge their duties, and either party to have the right to enter an appeal to the Superior Court of Washington county, within ten days from the rendition of said award, under the same rules and regulations as govern appeals from the justice courts. Streets and alleys.
Assessment of damages.

SEC. XVIII. Be it further enacted, That any of the officers of said incorporation, who may be sued for any act done in his or their official capacity or character, may justify under this Act. Justification under this Act.

SEC. XIX. Be it further enacted, That the mayor as such, or mayor *pro tem.* when presiding at any meeting of the board of council, or holding a police court, shall have power to punish for Contempts.

New Charter for Town of Tennille.

contempt by fine, not exceeding five dollars, or imprisonment not to exceed twenty-four hours for each offense, or may imprison in default of the payment of said fine for twenty-four hours, in the discretion of the officer presiding.

General
municipal
powers.

SEC. XX. Be it further enacted, That the mayor and aldermen of said town, sitting as a board of council, shall have power to lay off, vacate, close, open, alter, curb, pave, drain and keep in good order and repair the roads, streets, sidewalks, alleys, cross-walks, drains and gutters, for the use of the public or any of the citizens thereof; to protect divine worship; to regulate the keeping of gunpowder and other combustibles; to fix and establish fire limits, and from time to time to enlarge, restrict or change the same, and to make such rules and regulations and pass all such ordinances and enforce the same as may be deemed necessary by the council for the proper enforcement of this Act.

Arrests.

SEC. XXI. Be it further enacted, That the marshals of said town, the mayor or any alderman, may arrest without warrant any person guilty of a violation of any ordinance of said town and bring the offender before the mayor or mayor *pro tem.* for trial, and to this end may summon any of the bystanders as a *posse* to assist in such arrest. When brought before the mayor or mayor *pro tem.*, a written or printed accusation shall be preferred against the offender in manner and form as follows:

Accusation.

"State of Georgia, Town of Tennille: I,———, marshal of said town, in the name and behalf of the mayor and aldermen of said town, charge and accuse———of the offence (here state the offence) contrary to the laws of said town, the peace, good order and dignity thereof, this the——day of——18——," and shall be signed by the marshal or deputy or acting marshal as prosecutor, and when such accusation is preferred, the same shall be sufficient authority to hold the accused until final trial of the case; but the accused may give bond and security to appear at such other time as the case may be adjourned to, and in default of such bond being given, to be judged of by the mayor or mayor *pro tem.*, the accused may be imprisoned to await trial. If such bond be given, and the accused shall fail to appear at the time fixed for the trial, the bond may be forfeited by the board of council, and execution issued thereon by serving the defendant, if to be found, and his securities with a rule *nisi* at least five days before the time of hearing such rule *nisi*, to be signed by the clerk of council, bearing test in the name of the mayor.

Bail,
bonds, etc.

Writs, ex-
ecutions,
etc.

SEC. XXII. Be it further enacted, That all writs, processes, subpoenas, rules *nisi* for the forfeiture of bonds, all executions issued in behalf of the town for the collection of taxes, fines, forfeitures or for other purpose, shall be directed to the marshal of said town, and all and singular the sheriffs and the deputies of this State, signed by the clerk and bearing test in the name of the mayor of said town, and such sheriffs and their deputies are

empowered and required to serve and execute all writs, processes, warrants, executions, subpoenas, etc., issued as aforesaid, when the parties or property to be proceeded against are without the corporate limits of said town of Tennille, and the marshal or deputy marshal shall serve and execute all processes, writs, warrants, executions, subpoenas, etc., issuing as aforesaid, when the parties or property to be proceeded against are within the corporate limits of said town; sales of personal or real property by the marshal or deputy marshal of said town to be made before the door of the council chamber in said town. In case of personal property, after ten days' notice of time and place of sale, the property to be sold and the process under which sale is to be made. In case of real estate, same must be advertised and sold in the manner provided for sale of real estate, except as to the place of sale, which shall be as aforesaid. Sales of personal property or real estate by sheriffs or their deputies shall be before the court-house door of the county where the property to be sold is. In case of personal property, to be advertised by giving ten days' notice by posting same in three public places in said county; and in case of real estate by advertising as provided by law in sheriff sales. The deed to real property of the marshal or deputy, or sheriff or deputy, made in accordance with such sale, shall as effectually pass title to the purchaser as the same existed in the defendant, and the sale of personal property shall in like manner pass title to the purchaser. All judgments or executions issued under the provisions of this Act shall be a lien, and bind all property, both real and personal, of defendants from date thereof, and shall rank and have precedence and bind all property as executions from the courts of this State; and the costs of proceedings shall be the same as for like proceedings in the Superior Courts of this State. Claims or illegalities may be interposed to such sales under the same rules and regulations as are fixed for their interposition now or may be fixed in future to proceedings in the Superior Courts of this State, and all such claims or illegalities are to be returned to the first Superior Court of the county where the proceedings are had, that sits ten days after the interposition of such claim or illegality, and there tried as other claims or illegalities are in said Superior Courts.

SEC XXIII. Be it further enacted, That there may be an appeal from the decision of the mayor or mayor *pro tem.* to the board of councilmen in all cases, and a majority of said board shall be sufficient to hear and determine such appeal. The appellant, before appealing, must pay all costs, or file an affidavit

Appeal
from de-
cision of
mayor.

New Charter for Town of Tennille.

that owing to his poverty he is unable to pay costs, and there may be a *certiorari* to the Superior Court of Washington county in all cases from the decision of the board of council, under the laws governing *certiorari* to said court from justice courts, in all cases except the decision of council upon the assessment of property of tax-payers and defaulters.

SEC. XXIV. Be it further enacted, That the mayor or mayor *pro tem.* and any three aldermen shall form a quorum for the transaction of business, and the mayor or mayor *pro tem.* shall have the casting vote, and a majority of the votes shall determine all questions and elections before the council, and the mayor and each alderman shall be, to all intents and purposes, a justice of the peace, so far as to enable them, or any of them, to issue warrants for offences committed within the corporate limits of said town, which warrants shall be directed and executed as provided elsewhere in this Act, and to commit to the common jail of Washington county, or to admit to bail, according to law, offenders for their appearance before the next Superior Court of Washington county to await his, her or their trial, and it shall be the duty of the jailor of said county to receive all persons so committed and them safely to keep until the same be discharged by due course of law.

SEC. XXV. Be it further enacted, That all ordinances, rules and regulations passed by the mayor and board of aldermen shall, before becoming operative, be entered on the minutes or ordinance book of the board of council, and be published at least once in some newspaper having general circulation in the town, or be posted at two or more prominent places in said town.

SEC. XXVI. Be it further enacted, That the mayor and aldermen of said town shall have power and authority to establish a chain-gang, to be worked upon the streets or at such other places in said town as they may direct, and to pass all ordinances necessary for the control to work, and for the government and safe-keeping of convicts, and may provide and punish for escapes in the same manner as for the violation of the ordinances for which such persons were convicted.

SEC. XXVII. Be it further enacted, That the expenditures of the mayor and aldermen and the compensation of the town officers shall be paid out of the town funds by an order drawn by the clerk of the council upon the town treasurer and countersigned by the mayor, or mayor *pro tem.*, of the council, out of the funds in the hands of the treasurer, who shall keep a book in which he shall make an entry of all sums of money paid out, and to whom and for what purpose, which book shall at all times be subject to the inspection of the mayor and aldermen of said town, or any or either of them, and likewise shall entries be made of all sums of money paid into the hands of the treasurer

by the provisions of this Act, and the same shall and is hereby directed to be a fund for the exclusive use of said town; *Provided, however*, all sums of money arising from the sale of lots in the cemeteries of said town shall be used only for the care, keeping, use and adornment of said cemeteries.

SEC. XXVIII. Be it further enacted, That the mayor and council of said town shall have power to require a registration of the legal voters of said town annually before the clerk of said town council, or such person as may be appointed by the mayor and council, in the event of the sickness or absence of said clerk, under such rules and regulations as said mayor and council shall prescribe. Registration.

SEC. XXIX. Be it further enacted, That the registrar, as provided for in section 28th of this Act, shall open at the office of the clerk of council, or such other place as may be designated by the mayor and council for that purpose, on the first Monday in March in each year, a list for the registration of the voters of said town entitled to vote for the mayor and council, which list shall be kept open every day, except Sunday, between the hours of 9 a. m. and 2 p. m. from that day until the tenth day before the annual election for mayor and council prescribed by law inclusive, when said list shall be finally closed, and it shall be the duty of the registrar, upon the application of any person entitled to vote as aforesaid, which application shall be made in person, and not by proxy, to register the name of such person, with the street or ward upon which he lives, the applicant first paying to the registrar such sum as shall be specified by the mayor and council, and the registrar shall, in every case before making the registration, administer to the applicant the following oath, viz.: "You do swear (or affirm) that you are twenty-one years of age; that you are a citizen of the United States; that you have resided in this State for twelve months last past, and in the town of Tennille for the past six months, and that you have paid all legal taxes required of you by the authorities of said town." And the registrar shall furnish the managers of said election with a copy of the registration book, made out in alphabetical order, as soon as the polls are opened, and, failing to comply with any of the provisions of this section, he shall forfeit and pay into the town treasury the sum of fifty dollars. Registration lists, etc.

SEC. XXX. Be it further enacted, That it shall be the duty of all tax-payers and owners of all taxable property within said town, and they, and each of them, either by themselves or an agent, are hereby required to make annual returns under oath to the clerk of council in said town, or to such other officers as the mayor and aldermen of said town may appoint for said purpose, Tax returns.

New Charter for Town of Tennille.

at such time as said mayor and aldermen may limit, of all their taxable property, trades, business, occupation or profession in said town, held in their own right or in the right of any other person, and in case any person or persons shall fail or refuse to make such returns, or shall make any return deemed incorrect by the mayor, said mayor may assess the property of such person, and may fix such value thereon as he may deem correct and just. If any owner of property thus assessed by the mayor of said town shall feel aggrieved by the assessment so made by him, he may appeal to the council of said town, who may make such reduction as to them may seem just and reasonable, and the decision of said council in fixing the value of said property shall be final.

Municipal
officers
may not
contract
with cor-
poration.

SEC. XXXI. Be it further enacted, That no person holding office under this charter shall, during the term for which he was elected or appointed, or while in office, be capable of contracting with such corporation for the performance of any work which is to be paid for out of the treasury; nor shall any such person be capable of holding or having any interests in such contracts, either by himself or another, directly or indirectly.

Taxation
on tele-
graph,
railroad,
and other
corpo. a-
tions.

SEC. XXXII. Be it further enacted, That the corporation of the town of Tennille is hereby authorized to assess against telegraph, telephone, express, railroad companies and banks doing business in said town, and the property of each in said town, a special license, extra or general tax, such as it is now authorized to assess against individuals or the property of individuals, and that the corporation of said town is hereby authorized to collect such tax as it may assess as herein authorized in the mode and manner authorized for the collection by the corporation of said town of any other tax.

Railroad
crossings.

SEC. XXXIII. Be it further enacted, That the mayor and aldermen of said town shall have full power, whenever they may deem necessary, to require railroads in said incorporate limits to make crossings on their several roads for the convenience of the traveling public, and to keep the same open for travel; and to pass all ordinances needful for the carrying out of the provisions of this section; and in case said railroads shall fail or refuse to make said crossings when notified so to do, the mayor and council shall have power to put the same across such railroads at the expense of said railroads, and may issue their executions, and levy and collect the same, as is provided for in section XXII. of this Act in the matter of issuing, directing, levying and selling property of individuals.

Vote, by
mayor.

SEC. XXXIV. Be it further enacted, That the mayor or mayor *pro tem.*, while acting as mayor, shall have the right to vote upon all questions before the council when said vote is a tie; and said

Street Improvement in Athens.

mayor and mayor *pro tem.* shall also have the right to veto any ^{Veto.} measure passed by the council which veto must be filed in writing within four days after the passage of such measure, and be entered of record on the minutes of council, and said measure shall not be effectual until passed over said veto by a vote of two-thirds of the council at the first or second regular meeting of council after said veto, and not thereafter.

SEC. XXXV. Be it further enacted, That the stock law as ^{Stock law} contained in sections 1450 and 1451, Code of 1882, shall prevail in said town; and the mayor and aldermen of said town shall have full power to provide for the taking up by any citizen or officer of said town, also the impounding of stock, regulating the costs and damages, and to pass and enforce all ordinances they may deem necessary and proper for the proper enforcement of this Act.

SEC. XXXVI. Be it further enacted, That all previously granted charters, and amendments thereto, to said town of Tonnille be, and the same are hereby repealed by this Act; and all laws and parts of laws militating against this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

STREET IMPROVEMENT IN ATHENS.

No. 555.

An act to authorize the mayor and council of the city of Athens to grade, pave, macadamize and otherwise improve certain streets of said city, and to authorize said body to assess and collect two-thirds of the costs of said improvement out of the real estate fronting on said streets; to authorize said body to construct, pave and otherwise improve certain sidewalks in said city, and to assess and collect the costs of such improvement out of the real estate fronting on sidewalks so improved; to authorize said body to assess the cost of improving the street between tracks of street railroads, and on one foot on each side of such tracks, and to provide for collection of said assessments, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the mayor and council of the city of Athens shall have full power and authority, in their discretion, ^{Power to grade, pave, etc., street, etc.} to grade, pave, macadamize and otherwise improve for travel and

Street Improvement in Athens.

drainage the streets and alleys within what are known as the fire limits of said city, and to construct sidewalks and pave the same; to put down curbing, cross-drains, crossings and otherwise improve the same.

**Assess-
ments for
cost of
sidewalks.** SEC. II. Be it further enacted, That in order to fully carry into effect the authority above delegated, said mayor and council shall have full authority and power to assess the cost of paving and otherwise improving sidewalks, including all necessary curbing for the same, on the real estate abutting on the street and on the side of street on which the sidewalk is improved.

**For cost of
grading,
paving,
etc.** SEC. III. Be it further enacted, That said mayor and council shall also have full power and authority to assess one-third of the cost of grading, paving, macadamizing, constructing side-drains, cross-drains, crossing and otherwise improving the roadway or street proper, on the real estate abutting on each side of the street improved; *Provided*, that before any street or portion of street or sidewalk shall be so improved the persons owning real estate which has at least one-third of the frontage on the street or portion of a street or sidewalk, the improvement of which is desired, shall in writing request said mayor and council to make such improvements; *Provided, further*, that the cost of paving and macadamizing between the track, and for one foot on each side of the track, of any street railroad now having, and that may hereafter have, any track in the streets of said city, shall be assessed against said street railroad company or companies. **Petition
for.** Whenever, in their judgment, such improvement shall be deemed advisable, said mayor and council shall, by ordinance, direct such work to be done. **Street rail-
roads.** **Ordinance
directing
work.**

**Equaliza-
tion of as-
sessment.** SEC. IV. Be it further enacted, That said mayor and council shall have full power and authority to adopt, by ordinance, such a system of equalizing assessments or real estate for the above purposes as may be just and proper, estimating the total cost of each improvement made and pro rating the cost thereof on the real estate according to its frontage on the street, or portion of a street, so improved. It shall be wholly discretionary with said mayor and council whether any work asked for is desirable or necessary, and shall be done or not, and no application shall be received and no work done for less than an entire block.

**Lien for
assess-
ments.** SEC. V. Be it further enacted, That the amount of the assessments on each piece of real estate shall be a lien on said real estate from the date of the passage of the ordinance providing for the work and making the assessment. The amount of the assessment upon each street railroad company shall be a lien upon all the property of such street railroad company from the date of the passage of the ordinance providing for the work and making the assessment.

Incorporating Town of Sugar Valley.

SEC. VI. Be it further enacted, That the mayor and council of said city shall have authority to enforce the collection of the amount of any assessment so made for work, either upon streets or sidewalks, by execution to be issued by the clerk of council against the real estate so assessed, and against the owner thereof, at the date of the ordinance making the assessment, which execution may be levied by the chief of police or any policeman of said city, on such real estate, and after advertising and other proceedings, as in cases of sales for city taxes, the same may be sold to the highest bidder at public outcry, and such sale shall vest an absolute title in purchaser; *Provided*, that the defendant shall have the right to file an affidavit denying the whole or any part of the amount for which the execution issued is due, and stating what amount he admits to be due, which amount so admitted to be due, shall be paid or collected before the affidavit is received, and the affidavit received for the balance, and all such affidavits so received shall be returned to the Superior Court of Clark county, and shall there be tried, and the issue determined, as in cases of illegality, subject to all the pains and penalties provided in cases of illegality for delay. Assessments against street railroad companies shall be collected by execution issued by the clerk of council against all the property of such companies, and shall be enforced in the manner above set forth.

SEC. VII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

INCORPORATING TOWN OF SUGAR VALLEY.

No. 558.

An Act to incorporate the town of Sugar Valley, in the county of Gordon; to grant certain powers and privileges to the same, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, That the town of Sugar Valley, in the county of Gordon, be, and the same is hereby incorporated as a town, under the name of the Town of Sugar Valley. The corporate powers of said town shall be vested in a mayor and five councilmen, and by the name of the Mayor and Council of the Town of Sugar Valley they may sue and be sued, plead and be impleaded, and exercise all other corporate powers that may be necessary in performing their duties.

Incorporating Town of Sugar Valley.

Corporate limits.

SEC. II. Be it further enacted by the authority of the same, That the corporate limits of said town shall extend one-quarter of a mile north, south, east and west, from the intersection of the pocket and Resacca and Calhoun public roads, in front of H. F. Everett's dwelling-house, forming a square of one-half mile.

Provisional government.

SEC. III. Be it further enacted by the authority aforesaid, That R. C. Craig be, and he is hereby appointed mayor, and H. F. Everett, W. B. Gurr, A. M. Bridges, W. F. Dickey and A. B. Frix be, and they are hereby appointed councilmen of said town of Sugar Valley, to hold their office until their first annual election, as hereinafter provided.

Elections.

Qualifications for office and of voters.

Conduct and result of elections.

Vacancies.

SEC. IV. Be it further enacted by the authority aforesaid, That on the fourth Wednesday in December, 1887, and every year thereafter on the same day, an election shall be held in the council chamber in said town for a mayor and five councilmen, who shall hold their office for one year and until their successors are elected and qualified, but none shall vote for or be eligible to the office of mayor or councilmen of said town who does not reside within the corporate limits thereof, and who is not qualified to vote for members of the General Assembly of this State; said election shall be held and conducted in the same manner as elections for county officers in this State, and the certificate of the managers shall be sufficient authority to the persons elected to enter on the discharge of the duties of the office to which they have been elected. In the event that the office of mayor or any member of the board of councilmen shall become vacant by death, resignation, removal or other cause, the mayor, or in case his seat is vacant, a majority of the aldermen shall order a new election, notice of which shall be given at least twenty (20) days before said election is held. The same shall be conducted as provided in this Act.

Oath of office.

SEC. V. Be it further enacted, That before entering on the discharge of their duties, the mayor and council shall subscribe the following oath, which may be administered by any person authorized by the laws of this State to administer oaths: "I do solemnly swear that I will faithfully discharge all the duties devolving on me as mayor or councilmen (as the case may be) of the town of Sugar Valley, Gordon county, according to the best of my ability and understanding. So help me God."

Ordinances, etc.

SEC. VI. Be it further enacted, That said mayor and councilmen shall have power and authority to pass all laws and ordinances that they may deem necessary for the government of said town and the protection of property from loss by fire or damage therein, provided that they be not repugnant to the Constitution and laws of this State and of the United States.

Incorporating Town of Sugar Valley.

SEC. VII. Be it further enacted, That said mayor and councilmen shall have power to levy and collect a tax, not exceeding one-half of one per cent., upon all property, both real and personal, within the corporate limits of said town, and the same may be enforced by execution, issued by the clerk in the name of the mayor, and levy and sale of property, as in case of sales of property liable for State and county taxes, all levies of tax executions to be by marshal or his deputy, and to be conducted as sales by the sheriffs of this State in cases of levy of tax executions; they shall also have power to require all persons within said corporate limits, who are subject to road duty under the laws of this State, to work on the streets of said town, or they may prescribe commutation tax, which may be paid in lieu of work on the streets. Ad valorem tax.
Street working.

SEC. VIII. Be it further enacted, That the mayor of said town, and in his absence the mayor *pro tem.*, who shall be elected by the councilmen from their own number, shall be the chief executive officer of said town; he shall see that the ordinances, by-laws, rules and orders of the council are faithfully executed; he shall have control of the police of said town, and may appoint special police whenever he may deem necessary, and it shall be his duty especially to see that the peace and good order of the town are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in said town; he shall have power to issue execution for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of immediate payment he may imprison the offender in the guard-house of said town, or by work on the streets of said town not exceeding thirty days. Mayor and mayor pro tem.

SEC. IX. Be it further enacted, That said mayor and councilmen, at the first meeting after their election, or at the next meeting after the first if they deem proper and best, shall elect a clerk, who may be one of their own number, or any citizen of said town, and at the time shall also elect a treasurer of their own number, and also a marshal and deputy if necessary, who shall be a citizen of said town. From all these officers a bond shall be taken in such sums as the council may require, to be approved by the mayor, conditioned for the faithful performance of their duties; they shall also take and subscribe an oath before said mayor that they, and each of them, will well and faithfully discharge their several duties as clerk, treasurer or marshal, as the case may be, to the best of their skill and knowledge. Subordinate officers.

SEC. X. Be it further enacted, That the marshal shall receive such annual salaries as the council may deem just and proper. The mayor and councilmen shall not receive any salaries. Salaries.

New Charter for Camilla.

Tax on
shows, etc. SEC. XI. Be it further enacted, That said mayor and council shall have power and authority to tax all shows, auctioneers, sleight-of-hand performances, gift enterprises, pool and billiard tables, and other like enterprises, as they may deem most to the interest of said town.

Sale of
liquors. SEC. XII. Be it further enacted, That nothing in this Act incorporating said town of Sugar Valley shall be so construed as to repeal or in any manner effect the provision of an Act, approved February 19th, 1887, entitled "An Act to prohibit the sale of spirituous liquors, to be used as a beverage, within three miles of Sugar Valley Baptist Church, Gordon county, Georgia.

Sales of
meat, fish,
etc. SEC. XIII. Be it further enacted, That the mayor and council shall have the power to regulate and control the sale of fresh meats within the limits of said town, and to impose a tax upon any dealer in fresh meats or fish if they deem it proper to do so.

SEC. XIV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887

NEW CHARTER FOR CAMILLA.

No. 563.

An Act to establish a new charter for the town of Camilla, in the county of Mitchell; to grant certain privileges to said town; to repeal all prior Acts establishing a charter for said town and Acts amendatory thereof; to define the limits of the same, and for other purposes.

Govern
ment. SECTION I. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same, That from and after the passage of this Act, the municipal government of the town of Camilla, in the county of Mitchell, in this State, shall be vested in a mayor and six councilmen, who are hereby constituted a body politic and corporate under the name and style of the Mayor and Council of the Town of Camilla, and by that name and style shall succeed to all the rights and liabilities of the present corporation of said town, and shall have perpetual succession, and shall have power and authority to make, ordain and establish from time to time such by-laws, ordinances, resolutions, rules and regulations as shall appear to them necessary and proper for the good government, security, welfare and interest of said town of

Corporate
name.
General
powers.

New Charter for Camilla.

Camilla and the inhabitants thereof, and for preserving the health, morals, peace and good order of the same, not in conflict with the Constitution and laws of this State, and shall have power and authority, in and by said corporate name, to contract and be contracted with; to sue and be sued; to plead and be impleaded in any of the courts of this State; to have and use a common seal; to hold all property, real or personal, now belonging to said town to the use of the said town, for the purposes and interest for which the same were granted or dedicated; to acquire by gift or purchase, or otherwise, such other real or personal property as may hereafter be deemed necessary or proper for corporate purposes, and to use, manage, improve, sell, convey, rent or lease any and all of said property as may be deemed advisable for corporate interest.

SEC. II. Be it further enacted, That the corporate limits of said town shall extend three-quarters of a mile in every direction from the county court-house in said town, forming a perfect circle. Corporate limits.

SEC. III. Be it further enacted, That an election under this charter shall be held at the county court-house in said town, or at such other place in said town as the mayor may direct and designate, on the second Tuesday in January, 1888, and on the second Tuesday in January in each year thereafter, for mayor and six councilmen, who shall hold their offices for one year, and until their successors are elected and qualified; and should there fail to be an election held in said town at the time above specified, from any cause whatever, or should a vacancy in the office of mayor occur from death, resignation or otherwise, the mayor (or mayor *pro tem.*) of said town shall order an election held in said town for mayor and councilmen (or mayor, as the case may be) by posting a notice in three public places in said town and publishing said notice in a public gazette in which the sheriff's advertising of Mitchell county is done; said notice shall be posted ten days before said election; *Provided*, however, if the office of mayor shall become vacant at any time within three months of the current municipal term, the mayor *pro tem.* shall act as mayor during the balance of said term, and until a mayor is elected, and exercise all the rights and powers of mayor during said term. Elections.

SEC. IV. Be it further enacted, That the said elections shall be held under the superintendence of a justice of the peace and two freeholders, or of three freeholders; said superintendents shall take and subscribe an oath for the due performance of their duty as such, and shall have all the powers incident to superintendents of State and county elections in this State. Should the managers have any reasonable doubt as to the qualifications of Failure to hold.
Vacancy in mayor's office.
Conduct of elections.

New Charter for Camilla.

and voter, or should any vote be challenged, they shall administer the following oath: "You do solemnly swear that you are a citizen of the State of Georgia; that you have attained the age of twenty-one years; that you have resided one year in this State immediately preceding this election, and for the last six months in the county of Mitchell, and for the last sixty days in the town of Camilla, and have paid all taxes legally required of you by said town of Camilla (or its authorities), and State of Georgia, and county of Mitchell, and which you have had an opportunity of paying, except taxes due for the present year. So help you God." And that any person voting at said elections, who is not qualified to vote under the provisions of this Act, shall be guilty of a misdemeanor, and shall be punished as provided in section 4310 of the Code of Georgia.

Result of
elections.

Oath of of-
fice, etc.

Treasurer.

Voters.

SEC. V. Be it further enacted, That the elections provided for in the Section III. of this Act shall be held and conducted in the same manner and under the same rules and regulations (except as herein otherwise provided) as elections for State and county officers are held and conducted in this State. The superintendents of said elections shall duly declare the result of said elections, and shall issue certificates of elections, signed by the superintendents, or a majority of them, to such persons as received the highest number of votes polled, which certificate shall be evidence of their election and authority to assume the functions of their offices, and the mayor and council-elect shall, within ten days from said election, qualify by taking and subscribing an oath to well and truly perform the duties of their respective offices before some officer authorized in this State to administer oaths. Said oaths, with the certificates of election, shall be filed with the clerk of the council and by him entered of record on the minutes of council.

SEC. VI. Be it further enacted, That in the same manner, and under the same rules and regulations, and at the same time and place at which mayor and councilmen are elected, a town treasurer shall be elected, and the same persons qualified to vote for mayor and councilmen shall be qualified to vote for treasurer; said treasurer shall hold his office for one year and until his successor is elected and qualified.

SEC. VII. Be it further enacted, That all persons shall be qualified to vote at said elections for mayor and councilmen and treasurer who are qualified to vote for members of the General Assembly of Georgia, and who in addition have resided in the town of Camilla and been *bona fide* residents thereof for sixty days immediately preceding the day of election, and who have paid all taxes imposed upon them and required of them by the town of Camilla, including street tax, and which they have had

New Charter for Camilla.

an opportunity of paying, except taxes for the year in which the election is held.

SEC. VIII. Be it further enacted, That no person shall be eligible to the office of mayor, or councilmen, or treasurer, unless he shall have resided in the town of Camilla for at least one year immediately preceding the day of election, and shall possess the other qualifications of a voter as prescribed in this Act. Qualifications for office.

SEC. IX. Be it further enacted, That the mayor and council, at their first regular meeting in each year after being qualified, shall elect by ballot a clerk of council, and any person shall be eligible to the office of clerk of council who is qualified to vote for mayor and councilmen; *Provided, however*, that no person shall hold the office of clerk of council who is a member of the council, or holds any other office under the town government. Said clerk, before entering upon the discharge of his duty as such, shall take and subscribe an oath, and give a bond in a sum to be fixed by the mayor and council, for the faithful performance of the duties of his office during the term for which he is elected (one year) and until his successor is elected and qualified. The bond shall be payable to the mayor and council of the town of Camilla, and both the oath and bond shall be entered of record on the minutes of council. Said mayor and council shall also, at their first regular meeting in each year, choose from their own number a mayor *pro tempore*, who shall, in case of the death, absence, sickness or disqualification of the mayor, perform all the duties required of the mayor, and in the event of the removal, death, resignation or removal of the mayor *pro tempore*, another mayor *pro tempore* may be elected at any time, as in the first instance. Clerk of council.

SEC. X. Be it further enacted, That in the event of the death, resignation or removal for any cause whatever of the clerk of council, or any councilman, the vacancy shall be filled by an election by the mayor and council, as in the election of clerk in the first instance. Mayor pro tem.

SEC. XI. Be it further enacted, That the treasurer-elect of said town, before entering upon the discharge of his duties as such, shall take and subscribe an oath and give bond, payable to the mayor and council, with good security, to be approved by the mayor and council, and in a sum to be fixed by the mayor and council in their ordinances; and that for any breach of the bond of marshal, clerk or treasurer, required by this Act to be given, the mayor and council may sue and recover on them to the full extent of the penalties in them named in any court having jurisdiction thereof. Oath and bond of treasurer.

Breaches of official bonds.

New Charter for Camilla.

Subordi-
nate offi-
cers.

SEC. XII. Be it further enacted, That said mayor and council shall have power and authority to elect such marshals, clerks and other subordinate officers as they may deem necessary for carrying into effect the powers herein conferred upon them, to prescribe the fees, salaries and duties of such subordinate officers, and to require such bonds of them for the faithful performance of their duties as they may deem necessary and proper. They shall have power also to suspend or remove them from office for a breach or neglect of their duty, or an incapacity to discharge their duties, or for other good cause, at their discretion.

Mayor.

SEC. XIII. Be it further enacted, That the mayor shall be the chief executive officer of said town; that he shall see that all the laws and ordinances of said town are faithfully executed; he shall receive for his services a salary not to exceed the sum of two hundred (\$200) dollars, to be fixed by the mayor and council at their first regular meeting in each municipal year, and not to be changed during his term of office.

Meetings
of council,
etc.

SEC. XIV. Be it further enacted, That the mayor and council shall fix the times for their regular sessions or meetings; that the mayor shall be *ex officio* the presiding officer of said board of council, but shall have no vote except in case of a tie; he shall have power to convene the council in extra session whenever in his judgment the exigencies of the case require it. These councilmen and the mayor, or four councilmen, shall be a sufficient number to constitute a quorum.

Mayor's
court.

SEC. XV. Be it further enacted, That the mayor, or in his absence the mayor *pro tem.*, shall have full power and authority to hold, at such times and places and under such rules and regulations as may be prescribed by ordinance, a mayor's court for said town for the trial of offenders against the ordinances of said town, and impose such penalties for violations thereof as may be deemed by him just and proper, not exceeding the sum of fifty dollars, and imprisonment or labor on the streets or other public works of said town not exceeding thirty days. Any one or all of these penalties may be imposed, directly or in alternative, in the discretion of the mayor; that the mayor or mayor *pro tem.* presiding in the mayor's court shall have power and authority to administer oaths to any and all persons whom he may desire to use as witnesses on the trial of any cause coming before said court to be determined.

Mayor as
magis-
trate, etc.

SEC. XVI. Be it further enacted, That said mayor shall be, to all intents and purposes, a justice of the peace, so far as to enable him to issue warrants for offences committed within the corporate limits of said town, which warrant shall be executed by the marshal of said town, and to commit to the jail of the county of

Mitchell, or admit to bail offenders for their appearance at the Superior or County Courts thereafter for the county of Mitchell; and it shall be the duty of the jailor of the county of Mitchell to receive all such persons so committed and safely keep them until discharged by due process of law.

SEC. XVII. Be it further enacted, That the mayor and council shall have power to levy and collect an *ad valorem* tax not to exceed one-half of one per cent. upon all the taxable property within the corporate limits of said town made taxable by the laws of this State. It shall be the duty of the clerk of the town council of said town to receive the returns of all taxable property returned to him, and make out a schedule of all the property in said town not returned at such time and in such manner and under such regulations as may be prescribed by ordinance; and it shall be the duty of the clerk to collect the tax at such time and in such manner and under such regulations as the mayor and council shall by ordinance prescribe. It shall also be the duty of the clerk to scan closely the returns made, and see that the value placed upon all property by said tax-payers is fair and reasonable. Should a difference arise between the clerk and any tax-payer as to the value of the property, such difference shall be settled as prescribed in the Code of Georgia for settling such differences between the tax-payer and tax receiver of this State. The mayor and council shall have power and authority to prescribe by ordinance the time, place, manner, rules and regulations for making returns by the tax-payers of said town of their property for taxation; and any tax-payer of said town who shall fail to return his property for taxes in the manner and at the time prescribed by the ordinance of the mayor and council shall be subject to pay double tax on all his property not returned, as in the case of collection of State tax, and such double tax may be collected by execution as other tax.

SEC. XVIII. Be it further enacted, That if any person should fail or refuse to pay the tax imposed, according to this Act, at the time prescribed in the ordinance of the mayor and council, the clerk of council shall issue an execution against said defaulting tax-payer, which shall be signed by the clerk and bear test in the name of the mayor. Such execution shall bind all the property which said defaulting tax-payer owned on the first day of April in the year in which it is required to be returned for taxation, and the lien of said execution and said property shall be superior to all other liens, except liens for State and county taxes. Such execution shall be directed to the marshal of said town, or his deputy, who shall enforce the same by levy and sale of the property subject thereto at such time and place and upon such notice.

as the mayor and council shall by ordinance prescribe, except in case real estate is levied upon, it shall be the duty of the marshal to advertise the sale as sheriff's sales are now advertised; and it shall be the duty of said marshal to convey by bill of sale or deed the property so sold by him, and upon request to put the purchaser thereof in possession of such property.

Claims, il-
legalities,
etc.

SEC. XIX. Be it further enacted, That claims or illegalities may be interposed to the executions mentioned in the preceding sections in the same manner and under the same laws, rules and regulations as claims and illegalities are interposed to executions issued from the other courts of this State, and when a claim or illegality to said tax execution shall be interposed, the marshal shall not sell, but in case of personal property the claim or illegality shall be returned to the justice court of the district in which said town is situated, to be tried as other illegalities are tried, with the same rights of appeal and *certiorari* as in other cases in said court, unless the amount of the execution shall exceed one hundred (\$100) dollars, or the property levied on shall be real property, then the same shall be returned to the Superior Court of Mitchell county, and there tried as other claims and illegalities are tried in said court.

Streets,
etc.

SEC. XX. Be it further enacted, That the mayor and council shall have full power and authority to lay out, widen, straighten, open, close, alter, drain and keep in good order and repair roads, streets, sidewalks, alleys, crosswalks and squares in said town, for the use of the public or any of the citizens thereof, and to dig, repair, fill up any public well or wells or cisterns for said town, and to establish and fix and maintain such a system of grading and drainage for said town as they may deem proper, and to this end they shall have the power and authority to condemn and appropriate any part of the land included within the corporate limits of said town, but shall be liable to the owner or owners of said property in a reasonable and fair sum for damages to his or their property. Whenever the mayor and council shall exercise the power above delegated, and they and the owner or owners of the land fronting on said streets, roads, alleys, sidewalks, squares or ditches, or through which said streets, roads, alleys or ditches may pass, cannot agree on the damages sustained, or advantages derived by the owner or owners of said lands in consequence of opening, widening, straightening, cutting, digging or altering said streets, alleys, roads, sidewalks, cross walks or ditches, said mayor and council shall appoint two freeholders of said town, and the owner or owners of said lands, on five days' written notice from the mayor, shall appoint two freeholders of said town, who shall proceed to

assess the damages sustained by said owner or owners of said land; and in case said assessors can not agree they shall select a fifth freeholder to act with them. They shall take into consideration the advantages derived by the owner or owners of said land in consequence of the work done or caused to be done by the council as above stated; said assessors before acting in said capacity to take an oath that they will faithfully and impartially discharge their duty as such, and shall make their return within thirty (30) days from their appointment to the mayor and council, and shall at the same time deliver a copy of their return to each of the owners of the land; the return made to the council shall be filed by the clerk of council and entered on record in the minutes of the council. The award, signed by at least a majority of the assessors, to be considered their judgment, in the event the owner or owners of the land shall fail or refuse to appoint assessors within ten days from the time notice is received by them from the mayor, the two assessors appointed by the mayor and council shall proceed to examine the premium and assess the damages if any, and shall call in a third freeholder to act with them if they cannot agree, and make their return as above prescribed; and this assessment, made by the assessor appointed by the mayor and council, shall be as valid and binding as if made by assessors appointed by both sides; either party shall have the right to enter an appeal to the Superior Court of Mitchell county within ten days from the rendition of said award, under the same rules and regulations as govern appeals from justice courts.

SEC. XXI. Be it further enacted, That all persons subject to road duty by the laws of this State shall be liable and subject to work on the streets and other public works of said town, not exceeding ten days in each year, under the direction and control of the proper officers of said town; *Provided*, however, that the mayor and council of said town shall have power and authority to levy a street tax in lieu thereof, not exceeding five (\$5) dollars per annum; and *Provided further*, that all persons who shall fail or refuse to pay said tax on or before such day as the mayor and council by ordinance shall direct or require, the person failing shall upon three days notice from the mayor, served by the marshal, be required to do and perform street work as aforesaid, and upon failure to perform said street work, such defaulter shall be liable to be dealt with by the mayor or mayor and council for violations of other ordinances of said town, and to this end may be imprisoned or fined, or both, as in other cases; *Provided*, however,

that said street tax may be collected by executions as provided in this Act for the collection of other taxes.

Malprac-
tice, etc.

SEC. XXII. Be it further enacted, That in case the mayor or any member of the council, while in office shall be guilty of any willful neglect of duty or malpractice in office, or abuse of the power confided to him, he shall be cited by the clerk by order of the mayor and council, or either, to appear before the council at the next regular meeting thereafter, and stand his trial, and if found guilty, shall be removed from office, by a two-thirds vote of said council, and if the mayor or any councilman refuse or fail for two terms to attend trial, when cited, he may be removed from office for this cause.

Costs.

SEC. XXIII. Be it further enacted, That the costs for issuing, serving and executing all warrants, processes, writs and subpoenas authorized by this Act for violations of any of the laws of this State or laws or ordinances of said town, or the collection of any tax, shall be the same as for similar warrants, processes, writs and subpoenas issued and served under the laws of this State, and shall be paid by the offender or offenders or delinquent, in case of tax execution in the event he or they shall be found guilty of the alleged violation of any of said laws or ordinances, or be found to be due the tax claimed.

Special
taxes.

SEC. XXIV. Be it further enacted, That said mayor and council shall have power and authority, in addition to the *ad valorem* tax herein provided for, to levy and collect a specific tax on all billiard tables, ten-pin, or nine-pin alleys, and tables and alleys of any other kind used for the purpose of playing with balls or pins, or both, within said town, and on all contrivances of whatever kind used for the purpose of gaming. They shall also have power and authority to levy and collect a specific tax of not exceeding one hundred dollars upon all circuses, slight-of-hand performances, tricks of legerdermain, operas, theatrical exhibitions, and all other shows taxed by the laws of this State, which may exhibit in said town; such tax to be for each exhibition; said tax shall be due before said show, circus, exhibitions or other performances shall have exhibited or performed in said town. And the mayor and council shall have power and authority to prevent any circus or show performances, or exhibition above mentioned from showing, performing or exhibiting in said town until said tax is paid by them.

Business
taxes.

SEC. XXV. Be it further enacted, That said mayor and council shall have power and authority to levy and collect a specific tax of not exceeding ten dollars for each profession or place of business upon all profession, (not exempt by the laws of this State from town and city tax), all businesses of a mercantile character;

New Charter for Camilla.

also all hotels and public boarding houses, all livery stables; also upon all persons engaged in hauling for hire with any cart, dray, wagon, hack, omnibus, or other like conveyances, within said town of Camilla, also on itinerant traders. Said mayor and council shall provide by ordinance ——— the time, rules and regulations under which said specific tax shall be paid, and also the amount of same. Said tax may be collected by execution and levied as in other cases.

SEC. XXVI. Be it further enacted, That the mayor and council of said town shall have exclusive power and authority to control and direct the sale of ardent spirits, malt liquors, wines, cider and all other intoxicants within the corporate limits of said town; to issue a license for the sale of said articles and charge for the same a sum to be fixed by said mayor and council; to impose such restrictions, charges, conditions and penalties as they, or a majority of them, may deem proper, whenever the exercise of the powers herein granted shall not be repugnant to the Constitution or laws of this State. Sale of liquors.

SEC. XXVII. Be it further enacted, That the mayor and council of said town shall have full power and authority to remove, or cause to be removed, all buildings, porches, steps, fences, or other obstructions or nuisances in, on or near the public streets, lanes, alleys, sidewalks or public squares in said town or nuisances located anywhere in said town; also to regulate and control all hotels, taverns and public houses, and cemeteries in said town, and to regulate and control the sale of fresh meats in said town, and if necessary, to establish a market house in and for said town; to regulate all privies, water-closets, butcher-pens, tan-yards, blacksmith shops, forges, stoves and chimneys within said town, and remove or cause to be removed the same, or any of them, in case they should become dangerous or injurious to the health of any citizen of the town, or become a nuisance; and also to fill up all pits, wells, cellars and excavations in said town, or cause the owner to do so at his own expense, when the council shall deem the same necessary to be done, and to collect from the owner or owners, by execution and levy, the expenses of filling up any pit, well or other excavation, or abating other nuisances mentioned in this section; also to regulate drays, omnibuses, buggies, carriages, wagons and carts owned and kept for use and hire in said town; also said mayor and council shall have full power and authority to regulate and control all pumps, wells, livery stables within said town, and, for the purposes of police regulations and other interest of the town, shall have power and authority to control and regulate the public square in said town General municipal powers.

belonging to the county of Mitchell, not inconsistent with the Constitution.

Fire limits, etc.

SEC. XXVIII. Be it further enacted, That the mayor and council of said town shall have full power and authority to make regulations for guarding against danger and damages by fire; to fix and establish fire limits in said town, and from time to time to enlarge, restrict or change the same, within which fire limits, as established, it shall not be lawful for any one to build, or cause to be built, any buildings other than brick or stone buildings, with tin or iron roof, and, in case of violation of any such regulations establishing fire limits, the board of council, after five days' notice, shall cause any building erected, or in course of erection in violation of such regulations to be removed at the expense of the owner or builder thereof, to be collected by execution as in other cases. This section shall not be varied in favor of any person or persons whatever.

Duties, etc., of treasurer.

SEC. XXIX. Be it further enacted, That the treasurer of said town shall receive all money due the town from any and all sources, and pay the same out only upon orders drawn by the mayor and council, said orders being signed by the clerk of council, and countersigned by the mayor, or in his absence, by the mayor *pro tem*. The said treasurer shall keep a book, which shall at all times be subject to inspection by the mayor and council, or any person holding an order upon the treasurer, which book shall show what amount of money has been collected by him, and from what source received, and what money has been disbursed, and upon what account, and he shall preserve all orders by him paid off, as vouchers for disbursements, and he shall do and perform all other duties relative to the finance of the town, prescribed by the ordinances of the mayor and council, and in the manner prescribed; provided such ordinances are not inconsistent with this Act.

Officers' fees.

SEC. XXX. Be it further enacted, That said mayor and council shall have power and authority to establish a fee bill for the officers of said town, not higher than fees allowed county officers, nor lower those allowed justices of the peace, and constables of said State.

Certiorari.

SEC. XXXI. Be it further enacted, That there may be a *certiorari* from any judgment rendered by the mayor and council to the superior court on the same terms as govern *certiorari* from the justice courts.

When this Act to take effect.

SEC. XXXII. Be it further enacted, That this Act shall take effect on the second Tuesday in January, 1888, and that until said date all the rights, powers and privileges granted the mayor and council of Camilla, under the original charter of incorporation, and Acts amendatory thereof, shall remain in full force, and the official acts and doings of said mayor and council, so far as the

New Charter for Camilla.

same are in conformity with said Acts and the laws of this State, are made legal and binding, until modified, altered or repealed by said mayor and council.

SEC. XXXIII. Be it further enacted, That the mayor and council, or either, shall have full power and authority to compel the attendance of parties and witnesses at the mayor's court and the meetings of said council, and for this purpose said mayor and council, or either, shall have full power and authority to take and receive of parties and witnesses such bonds as they may deem necessary to secure the attendance of parties and witnesses, and to forfeit and collect said bond in the same manner, as bonds are now forfeited in the Superior Court of this State; and said mayor and council, or either, shall have power and authority to punish any and all parties for contempt, as may be done in other courts.

Attend-
ance of
witnesses,
etc.

SEC. XXXIV. Be it further enacted, That the mayor and council shall have full power and authority to provide by ordinance for appeals from the judgments or decisions rendered in the mayor's court.

Appeal
from de-
cisions of
mayor.

SEC. XXXV. Be it further enacted, That said mayor and council shall have full power and authority to pass all ordinances that may be necessary to carry the provisions of this Act into complete and full effect.

Ordinan-
ces, etc.

SEC. XXXVI. Be it further enacted, That the marshal and other police officers of said town are hereby empowered, and it shall be their duty, to arrest all violators of the town ordinances of said town without warrant, and bring them before the mayor or mayor and council for trial, as shall be prescribed by ordinance. It shall also be the duty of said marshal and other police officers to execute all warrants, writs and other processes, issued by said mayor or mayor and council, and perform such other duties as shall be prescribed by the ordinance of the mayor and council.

Arrests,
etc.

SEC. XXXVII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Approved October 24, 1887.

For Appropriation of Certain Lands of City of Savannah for Court-house, etc.

FOR APPROPRIATION OF CERTAIN LANDS OF CITY OF SAVANNAH FOR COURT-HOUSE, ETC.

No. 575.

An Act to authorize the mayor and aldermen of the city of Savannah to vest in the commissioners of Chatham county and *ex officio* judges the control of a portion of the tract of land in the city of Savannah, on South Broad and Abercorn streets, known as the "Old Cemetery," and to authorize the use of the same for the erection of a court-house and other public purposes.

The General Assembly of the State of Georgia do enact:

Purpose of Act. Consent given to appropriation of certain tract for court-house, etc. Election as to this appropriation. Conduct of. Voters. Ballots.	SECTION I. That whereas the question is being agitated in the city of Savannah as to the propriety and expediency of devoting a portion of the tract of ground in said city, known as the "Old Cemetery," to the use of the county of Chatham, as the site of a new court-house and appropriate grounds therefor; and whereas, a doubt has arisen from former legislation of the Colony and State of Georgia whether the city of Savannah can make a valid conveyance of said ground to the county of Chatham for said purpose without the consent of the General Assembly: Now, therefore, in order that the people of said city, through their municipal government, may be free to act in said matter as their own judgment and discretion may dictate, the General Assembly of Georgia does hereby give its consent to any arrangement which said city, through its proper municipal authorities, may make with the commissioners of Chatham county and <i>ex officio</i> judges for the appropriation of a portion of said tract of ground to the use aforesaid, and to any conveyance which may be proper by said city to vest in said commissioners the control thereof for such use; <i>Provided</i>, that the provisions of this Act shall not go into operation until after an election, which shall be held upon the first Saturday in January, 1888, after notice thereof has been published in a newspaper of the county once a week for four weeks. Said election shall be held in like manner as elections for officers of the State, and those only shall be entitled to vote who are qualified to vote at an election for members of the General Assembly. At said election the ballots cast shall be printed or written, in favor of the municipal authorities vesting a portion of the "Old Cemetery" in the county authorities as a site for a court-house, "Yes;" or, against the municipal authorities vesting a portion of the "Old Cemetery" in the county authorities as a
---	---

Incorporating the Town of Blue Ridge.

site for a court-house, "No;" and, *provided further*, that in case a majority of the votes cast shall be "Yes," then the municipal authorities shall also take charge of and control such portion of said "Old Cemetery" as they do not transfer to said county authorities, and shall restore and keep in good condition the vaults, tombs and gravestones still remaining therein. Result of election.

SEC. II. Be it further enacted, That should such arrangement and conveyance be made, and any excavations be made, in the erection of such court-house, or other public building, care shall be taken to collect and preserve separately the remains of every person that may be exhumed by such excavation, and such remains shall be decently coffined and re-interred, either in the vacant part of said "Old Cemetery" or in some other cemetery, Exhumations made.

SEC. III. Be it further enacted, That nothing contained in this Act shall be so construed as to affect the question of title in the suit now pending in Chatham Superior Court between the wardens and vestry of Christ Church and the mayor and aldermen of the city of Savannah concerning claims to a portion of said "Old Cemetery." This Act not to affect certain litigations.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 24th, 1887.

INCORPORATING THE TOWN OF BLUE RIDGE.

No. 576.

An Act to incorporate the town of Blue Ridge, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the town of Blue Ridge, in the county of Fannin, be, and the same is hereby incorporated as a town under the name of the Town of Blue Ridge. Corporate name.

SEC. II. Be it further enacted by authority of the same, That J. W. Gray be, and is hereby appointed mayor, and M. McKinney, F. H. Walton, W. T. Buchanan, William Taplio, E. L. Rickets and J. B. Wuce be, and they are hereby appointed councilmen of said town of Blue Ridge to hold their offices until the first election, as hereinafter provided. Provisional government.

SEC. III. Be it further enacted, That the corporate limits of said town shall extend one mile in every direction from the M. & N. Ga. R. R. depot in said town. Corporate limits.

Incorporating the Town of Blue Ridge.

Elections SEC. IV. Be it further enacted, That on the first Saturday in January, 1888, and annually thereafter, on the same day, an election shall be held in said town for a mayor and five councilmen, who shall hold their office for one year, and until their successors are elected and qualified, but no one shall vote for or be eligible to the office of mayor or councilman of said town who does not reside within the corporate limits thereof, and who is not qualified to vote for members of the General Assembly of this State.

Qualifications of voters and for office. Said election shall be held and conducted in the same manner as elections for county officers in said State, and the certificate of the managers shall be sufficient authority to the persons elected to enter on the discharge of the duties of the offices to which they have been elected, which said certificate shall be recorded by the clerk of the council in a book to be kept for that purpose.

Conduct and result of election.

Oath of office. SEC. V. Be it further enacted, That before entering on the discharge of their duties, the mayor and each councilman shall subscribe the following oath, which may be administered by any person authorized by the laws of this State to administer oaths: "I do solemnly swear that I will faithfully discharge all the duties devolving on me as mayor (or councilman, as the case may be) of the town of Blue Ridge according to the best of my ability and understanding. So help me God." The mayor or mayor *pro tem.* and two aldermen shall constitute a quorum for the transaction of business, but it shall require the attendance of a full board to amend or pass any ordinance or by-law for the government of said town.

Quorum.

Vacancies. SEC. VI. Be it further enacted, That should the office of mayor or councilman become vacant by death, resignation, removal or otherwise, the council shall order a new election by giving ten days' notice, at which time a successor for the unexpired term shall be elected.

Subordinate officers. SEC. VII. Be it further enacted, That said mayor and councilmen shall have power and authority to elect such marshals, clerks and other subordinate officers as they may deem necessary for carrying into effect the powers herein conferred upon them; to fix and regulate from time to time the salaries and fees, if any, of all officers under this charter; *Provided, however,* that said mayor and councilmen do not receive, directly or indirectly for their services as mayor and councilmen, over fifty dollars per annum; but they each and all may, when exercising the functions of justice of the peace, as hereinafter provided, charge and collect such fees and costs as justices of the peace are allowed to charge and collect under the laws of this State.

Salaries, etc.

SEC. VIII. Be it further enacted, That the mayor and each of said councilmen shall be *ex officio* a justice of the peace, and

Incorporating the Town of Blue Ridge.

shall have full authority to issue warrants for any offence committed within the corporate limits of said town, and shall have power to compel the attendance of witnesses; to examine them under oath; to admit any offender to bail, or commit him to jail, for the violation of the laws of the State, and to admit to bail or commit to the guard-house for violation of the ordinances of said town.

Mayor and councilmen as magistrates.

SEC. IX. Be it further enacted, That said mayor and councilmen shall have full power and authority to pass all ordinances and by-laws necessary for the government, good order and well-being of said town. They shall also have full power to make all contracts in their corporate capacity, which they may deem necessary for the welfare of said town, not inconsistent with the provisions of this Act or the laws of this State. They may also survey and lay out said town in lots, streets, and do and perform all acts necessary thereto, and may open or close any street in said town.

Ordinances, etc.

Survey and laying out of town.

SEC. X. Be it further enacted, That said mayor and councilmen shall have power to levy and collect per annum a tax of not exceeding three-tenths of one per cent. upon all property, both real and personal, within the corporate limits of said town; they shall also have power to require all persons within said corporate limits, who are subject to road duty under the laws of this State, to work on the streets of said town, or they may prescribe a commutation tax, which may be paid in lieu of work on the streets.

Ad valorem tax.

Street working.

SEC. XI. Be it further enacted, That the mayor and council shall have power and full authority to charge, assess and collect such special tax as they may deem proper from all persons carrying on any kind of business or calling within the corporate limits of said town.

Special taxes.

SEC. XII. Be it further enacted, That in all cases where any person or persons, who have property of any kind subject to taxation, within the corporate limits of said town, shall fail, refuse, or neglect to pay the taxes imposed according to this Act, the clerk of the council shall issue execution for the same, which execution shall be signed by said clerk and bear attest in the name of the mayor, and be directed to the marshal of said town, commanding him to levy on the goods, chattels, lands and tenements of the defendant or defendants, or so much thereof as shall be sufficient to satisfy the demand and cost, which execution shall bind all property of the defendant or defendants from the date thereof, and the cost thereof shall be the same as tax collector's executions by the laws of this State, and the said marshal shall proceed to advertise and sell in such manner as the laws or ordinances of said town shall direct.

Collection of taxes.

Incorporating the Town of Blue Ridge.

Sale of
liquors.

SEC. XIII. Be it further enacted, That the mayor and councilmen shall have exclusive power to regulate the sale of intoxicating liquors or bitters in said town, to grant licenses or withhold them, to fix the fee for the same when granted, and to impose penalties upon any person selling intoxicating liquors or bitters in said town without license.

Mayor.

SEC. XIV. Be it further enacted, That the mayor of said town, and in his absence the mayor *pro tem.* (who shall be elected by the councilmen from their own number), shall be the chief executive officer of said town; he shall see that ordinances, by-laws, rules and orders of the council are faithfully executed, and that the streets of said town are properly worked; he shall have control of the police of said town, and it shall be his duty especially to see that the peace and good order of said town are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in said town; he shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of immediate payment, he may imprison the offender in the guard-house of said town not exceeding thirty days, or confinement at labor on the streets of said town not longer than twenty days.

Malprac-
tice, etc.

SEC. XV. Be it further enacted, That in case the mayor, or any member of the council, shall while in office be guilty of willful neglect, malpractice or abuse of said office, he or they shall be liable to be convicted before the Superior Court of Fannin county, and on conviction thereof shall be fined in a sum not exceeding two hundred dollars, or imprisonment in the penitentiary of this State for a term not exceeding one year, or both, for each and every offence, and shall moreover be removed from office.

SEC. XVI. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved October 24, 1887.

Incorporating the Town of Guyton.

INCORPORATING THE TOWN OF GUYTON.

No. 577.

An Act to incorporate the town of Guyton, in the county of Effingham, and provide a government for the same.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the town of Guyton, in the county of Effingham, be, and the same is hereby incorporated as a town under the name of the Town of Guyton. Corporate name.

SEC. II. Be it further enacted, That the corporate limits of said town shall be the old town lot limits of Whitesville, on the east, west and south, and on the north by a line at right angles with the lines on the east and west, and crossing the Central Railroad at the culvert in Shrimp's branch, the lines on the east and west to be continued in prolongation of the present lines to the said line on the north. Corporate limits.

SEC. III. Be it further enacted, That Charles A. J. Sweat be, and he is hereby appointed mayor, and Edward Byrd, Benjamin R. Armstrong, Thomas F. Stubbs and Sidney S. Tison be, and they are hereby appointed aldermen of said town of Guyton to hold their offices until the first annual election as hereinafter provided. Provisional government.

SEC. IV. Be it further enacted, That the municipal government of said town shall be vested in a mayor and four aldermen, who shall be styled the Mayor and Aldermen of Guyton, and by that name are hereby made a body corporate; as such they shall have perpetual succession, shall have a common seal, may contract and be contracted with, may sue and be sued, purchase, receive, hold, possess, sell and convey for the use of said town real or personal estate of any kind; that said mayor and aldermen shall hold their offices for one year, or until their successors are elected and qualified. They shall be freeholders in said town, not under twenty-five years of age, and shall have been *bona fide* residents of said corporation for three months preceding their election. General powers.

SEC. V. Be it further enacted, That the first annual election for mayor and aldermen of said town shall be held on the first Tuesday in September, A. D. 1888, and on the same day in each year thereafter. The voters at said election shall be *bona fide* residents in said town, and who reside therein three months in the year, one of which months must be next preceding said election, and who are otherwise qualified to vote for members of the Gen- Term of office. Qualifications for office. Elections. Voters.

Incorporating the Town of Guyton.

eral Assembly, and who, if required, shall make oath to the said qualification.

Conduct
and re-
sult of
election.

SEC. VI. Be it further enacted, That said election shall be held at the town hall in said town, and that any two citizens who shall be freeholders, or one citizen a freeholder, and one justice of the peace or notary public, may hold and manage said election. The polls shall be opened at 6:30 o'clock a. m. and closed at two (2) o'clock p. m.; said managers shall take the oath required by the statutes of this State of all managers of elections held for State or county officers, shall receive and count the votes cast at said election, shall keep the two lists of persons voting at such election, and two tally-sheets, and shall deposit, at the close of the election, one list of voters and one tally-sheet, both certified to being true and correct, in the office of the clerk of council, to be by him kept for inspection; also, when said managers have finished the count, they shall give to the persons receiving the highest number of votes cast certificates, under their hand and seal, of election as mayor or alderman, as the case may be.

Official
oath.

SEC. VII. Be it further enacted, That the mayor and each alderman, before entering upon the duties of his office, shall be required to take and subscribe the following oath: "I do solemnly swear that I will well and truly perform the duties of mayor (or alderman, as the case may be) of the town of Guyton as in my judgment will best promote the general welfare of the inhabitants of said town, and the common interest thereof, and in accordance with the laws governing the same. So help me God."

Mayor *pro*
tem.

SEC. VIII. Be it further enacted, That the said mayor and aldermen may elect one of their number mayor *pro tem.*, who shall have authority to discharge the duties of mayor whenever, from sickness, absence from the town or other cause, the mayor is unable or fails to act, or during any vacancy in the office of mayor.

Subordi-
nate offi-
cers.

SEC. IX. Be it further enacted, That at their first regular meeting after elected and qualified, said mayor and aldermen shall have the power to elect a clerk, who may also be treasurer, and also power to elect a marshal; they shall have the power to fix the compensation of such officers, their term of office, require such security for the faithful performance of duty, to prescribe the powers and define the duties of such clerk and marshal, and to adopt and enforce all such rules and regulations as may be essential to their own government as mayor and aldermen.

General
municipal
powers.

SEC. X. Be it further enacted, That said mayor and aldermen shall have power within said town to lay off, establish, vacate, alter, improve and keep in good order and repair the streets,

Incorporating the Town of Guyton.

roads, alleys and sidewalks for the use of the public and citizens of said town; to establish and regulate markets; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, horses, cattle, sheep, goats or other animals from going at large in said town; to regulate the keeping of gunpowder or other combustibles; to have charge of the cemeteries of said town for the purpose of keeping them in good order and preservation; to protect the property of persons, citizens of said town, from injury; to preserve peace and good order, and for this purpose to appoint when necessary a police force to assist the marshal in the discharge of his duties; to provide a revenue for said town by levying a tax on the property situated in said town, which tax shall not in any year exceed one-half of one per cent. of the value of said property, and such specific taxes only as are herein distinctly mentioned and set forth, all said taxes levied to be in accordance with the Constitution and laws of this State; and to ascertain the value of property in said town for the purpose of taxation, said mayor and aldermen shall have power to appoint three assessors, *bona fide* residents of said town, to serve for one year, whose duties shall be as defined by said mayor and aldermen and in accordance with the powers conferred by this Act; *Provided*, that expenditures of money and labor performed shall be for the general benefit and public improvement of the town. Taxation,
etc.

SEC. XI. Be it further enacted, That in order to carry into effect all the powers hereinbefore enumerated, and by this Act conferred upon said corporation and said mayor and aldermen, the said mayor and aldermen shall have power to make and pass all needful orders, by-laws, ordinances, rules and regulations not contrary to the Constitution and laws of this State, and to impose, prescribe and enact reasonable fines, penalties and imprisonments in the county jail of the county, or such other place as the corporate authorities may provide, for a violation of the same, or any part thereof; *Provided*, however, no penalty for such violation shall exceed a fine of fifty dollars in amount, or imprisonment for more than thirty days, except as hereinafter provided; and it shall be lawful, for the purpose of enforcing said ordinances of said town in lieu of fine or imprisonment, said penalty may be to work on the streets of said town not to exceed twenty (20) days at any one time for one penalty; *Provided*, that the corporate authorities alone shall be liable for the jail fees of all persons confined therein for violation of city laws; and *Provided* further, that the jailor shall not be compelled to receive any prisoner sentenced under the provisions of this Act until satisfactory arrangements have been made by the corporate authorities for the payment of the: Ordinan-
ces, etc.

Punish-
ments.

Incorporating the Town of Guyton.

jail fees, provided the right of appeal to council and the courts is hereby given.

Sale of
liquors.

SEC. XII. Be it further enacted, That said mayor and aldermen shall have complete control of the manufacturing and wholesaling and retailing of spirituous, vinous and malt liquors within said town; *Provided*, the license fee for retailing said spirituous, vinous or malt liquors, or malt liquors alone, shall not be less than five thousand dollars (\$5000.00) per annum; *and provided further*, that no license shall be issued for less time than one year, and no bond shall be taken from the person or persons applying for license unless such bond shall contain a waiver of all homestead and exemption rights, and such bondsmen and his securities are actual and *bona fide* possessors of the amount fixed in said bond, over and above all debts, liabilities and exemptions allowed by the laws of the State, and who, upon signing said bond, will make affidavit to their pecuniary qualification as aforesaid; *Provided*, nothing herein contained shall be construed to apply to wines or beer made from grapes, berries and fruits grown in and around said town.

Street
working.

SEC. XIII. Be it further enacted, That all male citizens of said town, not under twenty-one years of age nor over fifty years of age, are hereby made liable to road and street duty, and shall, if required by council, work not exceeding six days in any one year, and not exceeding one day in any one month by himself, or an accepted substitute (to be judged by the mayor), on the streets, roads, sidewalks or alleys of said town under the direction of such superintendent or superintendents of street work as the council may appoint, or he may be released from such work upon payment of three (\$3) dollars to the said council as commutation street tax, and all funds arising from this source, or in the matter of streets, shall be applied only to the repairs of streets, sidewalks, alleys and the improvement of the same; *Provided*, the persons subject to street and road duty in said town shall be exempt from all other road duty.

Mayor.

SEC. XIV. Be it further enacted, That the mayor shall be the chief executive officer of said town; that he shall preside at all meetings of the council, and in case of a tie give the deciding vote; that he shall preside at all police courts for the trial of offenders and violators of the ordinances, and shall hear and determine the same, and upon the trial of such offenders he shall punish such by fine, imprisonment, or both, as in his discretion shall seem just, or in lieu of fine or imprisonment, he may sentence such offenders to work on the streets, and in case of fine being imposed, said mayor shall have power to enter up judgment against the offender for the amount of the fine imposed, or for taxes assessed and unpaid, and costs of proceedings, and it shall

Incorporating the City of Culloden.

be the duty of the clerk of council to issue execution thereon, directed to the marshal of Guyton, and all and singular the constables of this State, which execution shall bear test in the name of the mayor, and may be levied upon any property of the defendant in this State, subject by law to levy and sale, and the same laws, rules and regulations which govern constables' sales in this State shall govern marshals' sales and constables' sales made under the provisions of this Act. Execu-
tions.

SEC. XV. Be it further enacted, That within the corporate limits of said town, said mayor, or acting mayor, shall be *ex officio* justice of the peace for the purpose of administering oaths and attesting papers under his seal, and also for the purpose of issuing warrants for offences committed in said town against the State or individuals, and shall have power to sit as a court of inquiry, and of binding or committing to jail the offenders to appear before any court having jurisdiction of the same; that said mayor, sitting as a judge of the police court, or as a court of inquiry, shall have power to punish for a contempt by a fine not to exceed ten dollars (\$10), or imprisonment not to exceed five (5) days. Mayor as
magis-
trate.

Con-
tempt.

SEC. XVI. Be it further enacted, That the question of extending the limits of said town at any time shall be submitted to the people of the district or districts to be included, and if a majority of the qualified voters resident therein shall vote for such extension the same may be made. Extension
of limits.

SEC. XVII. Be it further enacted, That this Act shall take effect and be of force from and after its passage, and all laws and parts of laws in conflict herewith are hereby repealed.

Approved October 24, 1887.

INCORPORATING THE CITY OF CULLODEN.

No. 584.

An Act to incorporate the city of Culloden, in the county of Monroe, define its limits, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, the city of Culloden, in the county of Monroe, is hereby incorporated. Its municipal government shall consist of a mayor and six aldermen, who shall be known by the corporate name of "The Mayor and City Council of the City of Culloden," and by such name may Govern-
ment.

Corporate
name.

Incorporating the City of Culloden.

General powers.

sue and be sued; may have and use a common seal; purchase, take and hold real and personal property, exchange, sell and convey the same when and in such manner as they deem best for the interests of said city, and to make all contracts in their corporate capacity which they may deem best for the welfare of said city; *Provided*, the sale, purchase or exchange of real estate is not to be made until the same is ratified by a majority of the legally qualified voters of said city at an election to be held under such regulations as may be prescribed by the mayor and aldermen of said city. The corporate limits of said city shall extend one mile in every direction from the well, known as the public well in the village of Culloden.

Corporate limits.**Elections.**

SEC. II. Be it further enacted, That on the second Wednesday in November next there shall be held an election for mayor and six aldermen, three of whom shall hold their office for one and three for two years. At such election the electors shall designate on their tickets the three men they wish to hold for one year and the three they wish to hold for two years; and at said election all persons residing in the corporate limits aforesaid, and who shall be entitled to vote for members of the General Assembly, shall be entitled to vote. After said first election there shall be an election annually for a mayor and three aldermen on the second Wednesday in November, and at such elections all persons who have resided in said city thirty days before the day of election, and who have paid all taxes of every description due the city, and shall be entitled to vote for members of the General Assembly, shall be entitled to vote; and all persons entitled to vote at such election, and eligible to hold office according to the Constitution and laws of this State, shall be eligible to hold any office of the said town; at any such election any justice of the peace and two freeholders, or in the absence of a justice of the peace any three freeholders resident in said city, and who are not candidates, may act as managers, and shall conduct such election as nearly as practicable in accordance with the election laws of this State. Such managers shall give certificates of election to the persons receiving the highest number of votes for their respective offices, which certificate shall be recorded on the minutes of council and shall be held to be the highest evidence of the election of such officers. Any person who shall vote more than once at such election, or contrary to the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the common jail of the county not exceeding six months.

SEC. III. Be it further enacted by the authority aforesaid, That **Vacancies.** in the event of a vacancy in the office of mayor or aldermen,

from any cause, the remaining aldermen shall order an election to fill such vacancy for the unexpired term, and notice of said election shall be advertised in two or more public places in said city, or in a newspaper published therein, at least ten days before such election, which election shall be conducted as provided for in section two of this Act.

SEC. IV. Be it further enacted by the authority, That before ^{Oath of office.} entering upon the duties of the aforesaid offices, the persons elected thereto shall take and subscribe the following oath: "I —do solemnly swear that I will to the best of my ability discharge the duties of— for the city of Culloden during my continuance in office. So help me God." Any person authorized by law, or the acting mayor of said city, may administer said oath. The mayor and alderman, and other officers provided for in this Act, shall hold their offices for one year from the first Monday in January, succeeding their election, and until their successors are elected and qualified; *Provided*, nevertheless, that the officers elected by said mayor and alderman shall be liable to removal by a majority vote of the council (composed of mayor and alderman) for neglect of duty and malfeasance in office. ^{Removal.}

SEC. V. Be it further enacted by the authority aforesaid, That said mayor and aldermen shall have power to open and improve new streets, upon payment for the land appropriated for the same, according to the mode prescribed by law for opening out new roads under the road laws of this State, and repair those already open; to provide such public buildings as may be necessary and for the benefit of said town; to pass ordinances regulating the management of market houses, private and public transportation through the city, public wells and pumps; to abate nuisances, public or private, suppress all disorderly conduct, disorderly houses and houses of ill-fame within said corporate limits; to prevent loud and boisterous conversation, quarreling, profanity and obscene language upon the streets, or other public places in the town; to provide for paupers living in, and to prevent paupers from being imposed on the town. Said mayor and alderman shall have power to enact appropriate ordinances for the accomplishment of all the purposes hereinbefore enumerated, and for the punishment of offenders in relation to any of the matters aforesaid, and all ordinances they may deem necessary for preserving the peace, health and good order and good government of the city and the security of the people, and to enforce all ordinances by them adopted, not inconsistent with the laws of this State, and to punish any person or persons who shall violate any such ordinances by fine not to exceed one hundred dollars (\$100) or imprisonment not to exceed twenty days, or work upon the public streets not to exceed twenty days, any one or all, in the ^{Opening streets.} ^{General municipal powers.}

Incorporating the City of Culoden.

discretion of the council, and it shall be the duties of the chief of police and his assistants, whenever it shall come to the knowledge of either or any of them that any such ordinances have been violated, to arrest the person or persons whom they have reason to believe guilty of such violation, and as soon as convenient after such arrest to bring such person or persons before before the mayor, and in his absence the mayor *pro tem.*, and in the absence of both, before a majority of the council, who, when hearing the evidence concerning such violation, shall determine whether or not the person or persons so brought before him or them be guilty of such violation, and if found guilty, the mayor, or mayor *pro tem.*, or a majority of the council, as the case may be, shall adjudge what punishment shall be inflicted upon such guilty person or persons, and the chief of police, or his assistants, shall execute such judgment. If it be not convenient for the chief of police, or his assistants, to bring any person or persons by him or them arrested immediately before the mayor, or mayor *pro tem.*, or a majority of the council, he or they may temporarily imprison such person or persons so arrested until he or they can conveniently bring such person or persons so arrested before the mayor, or mayor *pro tem.*, or a majority of the council; *Provided*, such temporary confinement shall not exceed twenty-four hours, and in the event that any such person or persons shall be dissatisfied with the judgment of the mayor, or in his absence of the mayor *pro tem.*, he or they shall have the right of appeal to the council at their next regular meeting, upon giving bond and security for their appearance before said council to abide by the final decision of said council, and the said council, after hearing all the evidence submitted, shall have power to affirm or reverse the decision of the mayor, or mayor *pro tem.*, and the mayor, or in his absence the mayor *pro tem.*, or in the absence of both, a majority of the council shall have full power to compel the attendance of witnesses under the same rules and regulations as is required for the attendance of witnesses at a justice's court.

SEC. VI. Be it further enacted by the authority aforesaid,
 Quorum. That for the transaction of all business, except as otherwise provided in this Act, the mayor and three aldermen shall constitute a quorum, and the vote of four aldermen, or of three aldermen, with the concurrence of the mayor, shall decide any question which may come before the board.

SEC. VII. Be it further enacted by the authority aforesaid,
 Street working. That the mayor and alderman of said city shall have authority to call out, or provide for calling out, each and every male person subject to road duty under the laws of this State, who reside within the corporate limits of said city, who shall be compelled

to work upon the streets or sidewalks of said city for the number of days in each year as are now fixed by the road-laws of this State, and when any person liable to such street or road duty shall have been notified by the chief of police, or any special policeman, either in writing or orally, one day prior to the day of working, to work on said streets and shall in any way make default by failing to appear at the time and place specified in said notification, or to work, as required by the present road laws of the State or in any other manner shall make default in relation thereto, such party shall be notified to appear before the mayor and aldermen to show cause why he should not be fined for said default, and at the time appointed the mayor and aldermen shall try said defaulter, and if found guilty of said default they may impose a fine upon such defaulter to the same extent that the road commissioners of this State may fine defaulters under the present road laws of this State, which fine or fines if not paid within such time as may be fixed by said mayor and aldermen, such defaulter may be by the order of said mayor and aldermen imprisoned in the common jail of the county not exceeding two days for each dollar of the fine imposed. Said mayor and aldermen shall have power to fix, by ordinance, a commutation tax or sum of money, which, when paid by any person liable to street duty, shall exempt him from any other road or street duty for the year for which it is paid; but no person shall have the right to relieve himself from the penalty of default, as aforesaid, by paying or offering to pay such commutation tax, without the consent of the mayor and aldermen.

SEC. VIII. Be it further enacted by the authority aforesaid, That the mayor and aldermen shall elect, annually, at the first regular meeting of the council in January, a mayor *pro tem.*, whose duty it shall be to act as mayor in all cases in the absence of the mayor, a chief of police, clerk, treasurer and street commissioner and three assessors, all of said officers to hold their offices under the rules and regulations of the council of said city, and the mayor and aldermen may also appoint a special policeman to serve when in their judgment such appointment may be necessary, to be discharged when the emergency has passed, and to be compensated as the mayor and council shall determine, and while such appointees are on duty they shall have the same authority in preserving order, and be charged with the same duties, and entitled to the same protection as the chief of police.

SEC. IX. Be it further enacted by the authority aforesaid, That the salaries of all officers of the city of Culloden, hereafter as heretofore, shall be fixed by the mayor and council at the first regular meeting in October, each year, previous to the election

Incorporating the City of Culloden

of mayor and aldermen, on the second Wednesday in November, and shall not be changeable during the term of the succeeding council.

Ad valorem
tax.

SEC. X. Be it further enacted by the authority aforesaid, That the mayor and aldermen shall have power to levy an *ad valorem* tax, not to exceed one per cent., upon all the taxable property within the corporate limits of the city made taxable by the laws of this State, except land used for agricultural purposes, which shall not be subject to any city tax whatever. The valuation of property subject to taxation shall be assessed by three assessors, who shall be elected by the mayor and aldermen at the same time that other officers of the corporation are elected, and shall receive a regular salary, to be fixed at the same time and under the same restrictions as the salaries of the other officers of the city; and the assessors shall have the power to adopt as their appraisement the valuation placed on property by parties in making returns to the receiver of tax returns of the county, or require the tax-payers to make returns to them, under oath, of all his taxable property. Should a difference arise between the assessors and any tax-payer concerning the value of property given in, the assessors shall have the power to assess the same at their valuation; but any tax-payer who may be dissatisfied with the assessment of his or her property, shall have the right of appeal to the council under such rules and regulations as they may prescribe.

Collection
of taxes.

SEC. XI. Be it further enacted by the authority aforesaid, That if any person shall fail or refuse to pay the tax imposed according to this Act, the clerk and treasurer of said city shall issue an execution, which shall be signed by him and bear test in the name of the mayor. Said execution shall bind all the property which said defaulting tax-payer owned in said city on the day that his property is bound for State and county taxes in the year in which it is returned for taxation. Such execution shall be directed to and enforced by the chief of police of said city; and in case real estate is levied upon, it shall be the duty of the chief of police to advertise the sale of the same as sheriff's sales are now advertised. And the said clerk shall be entitled to fifty cents cost for each *f. fa.* so issued, and the chief of police to the same fees as by law bailiffs of this State are entitled to for levies, and the same commissions for selling as are received by the sheriffs of this State.

Sale of
liquors.

SEC. XII. Be it further enacted, There shall be no ardent spirits, malt liquors, wines or intoxicating liquors, or bitters of any description or character, sold in said city; but this shall not pre-

Incorporating the City of Culloden.

vent any one from selling wine manufactured of grapes grown by themselves or of berries bought by them.

SEC. XIII. Be it further enacted by the authority aforesaid, That the said council shall have authority, in addition to the *ad valorem* tax hereinbefore provided for, to levy a tax on all billiard tables, ten-pin or nine-pin alleys, and tables and alleys of any other kind used for the purpose of playing on with balls or pins, or both, within said city, and on all contrivances of whatever kind used for the purpose of gaming, or carrying on a game of chance by selling cards, tickets or numbers, or by turning a deal or wheel, by using any other artifice or contrivance. They shall also have authority to levy a tax not exceeding one hundred dollars upon all circuses, sleight-of-hand performances, tricks of leg-^{Special taxes, etc.} erdermain, and other shows taxed by the laws of this State, which may exhibit within said city, such taxes to be for each exhibition, and to be collected, if not voluntarily paid, by execution, levy and sale, as provided in this Act for the collection of other taxes. They shall also have power to grant license to one or more auctioneers, for which the applicant shall pay a sum not exceeding fifty dollars per year; and if any person shall sell goods, merchandise or property within said corportion, at auction or public outcry, without obtaining such license, shall be punished for each offence by fine not to exceed fifty dollars, or imprisonment not to exceed twenty days, or work upon the streets not to exceed twenty days, any one or all, in the discretion of the mayor, *pro tem.*, and in their absence, of the remainder of the council; *Provided*, that nothing in this Act contained shall be so construed to extend to any judicial sale, executors', administrators' or guardians' sale, or to prevent resident citizens from vending at auction their own property. The council may provide, also, for the manner in which any of the special taxes authorized by this charter, and any of the licenses herein provided for may be issued and used, and any person violating the provisions of this Act, or the ordinances enacted in accordance therewith, shall be dealt with as set forth in this section.

SEC. XIV. Be it further enacted by the authority aforesaid, Minutes. That the clerk shall keep a book in which shall be recorded the proceedings of the meetings of the mayor and city council; the treasurer shall receive all moneys due the city from any and all sources, and pay the same out upon orders drawn by the council, said orders being countersigned by the mayor, or, in his absence, by the mayor *pro tem.* The said treasurer shall keep a book Municipal funds, etc. Treasurer. which shall at all times be subject to inspection by the council, or any person holding an order upon him, which book shall show what amount of money remains in his hands, and from what sources received, and what moneys have been by him disbursed,

Incorporating the City of Culloden.

and upon what account, and shall preserve all orders by him paid off as vouchers for disbursements, and he shall do and perform all other duties relative to the finances of the town, prescribed by ordinances of the council, and in the manner prescribed, provided such ordinances are not inconsistent with this Act, and shall perform all clerical duties, and other duties assigned him by the council, as well as the duty hereinbefore assigned him, and shall be guided in the performance of his duties by the ordinances of council not in conflict with this Act, or the laws of this State.

Duties of
police
forces.

SEC. XV. Be it further enacted by the authority aforesaid, That the chief of police and special policemen shall, in addition to the duties hereinbefore imposed upon the chief of police, perform such other duties in the sphere of their duties as may be assigned them by the council in consonance with the provisions of this charter, and ordinances of council not inconsistent herewith.

Official
bonds.

SEC. XVI. Be it further enacted by the authority aforesaid, That the clerk and treasurer and chief of police shall execute a bond, with at least two good and solvent sureties, to be approved by the council, in the sum of not less than two thousand dollars, the amount to be fixed for each of said officers by the mayor and city council, said bond to be made payable to the mayor and aldermen, and their successors in office, conditioned for the faithful performance of their respective duties. Such bond must be given before the said officers enter upon the duties of their respective offices, and the principal and sureties thereon may be sued on said bond for any default in reference to the finances of the city made by the officer giving said bond as soon as said default shall be ascertained, and recovery can be had and enforced as upon other judgments rendered by the courts of this State; and any officer who shall fail to pay over any funds in his hands belonging to the town, according to law and the ordinances of council, shall be guilty of a misdemeanor, and on conviction shall be punished as is prescribed in section 4310 of the new Code of Georgia.

Removal
of subor-
dinate off-
icers.

SEC. XVII. Be it further enacted by the authority aforesaid, That the clerk and treasurer, or chief of police, upon failure to comply with any duty assigned them by this charter, or the ordinances consistent therewith, may be removed from office by the council; they shall also be subject to removal for any misconduct or malfeasance in office, and there shall be no appeal from the decision of council upon any question of removal.

When
chief of
police
must pay
over
money.

SEC. XVIII. Be it further enacted by the authority aforesaid, That the chief of police shall not retain in his hands any funds by him collected for said city for more than one week, but said chief of police shall pay over to the treasurer any and all money collected by him for the city within one week from the date of the

collection, and upon failure to do so shall be subject to removal, at the discretion of the council.

SEC. XIX. And be it further enacted by the authority aforesaid, That the mayor and council of said city shall have power to make all needful rules and regulations as to cemeteries located within the corporate limits of said city, and to pass such laws as may be necessary for their protection, repairs and improvement. ^{Cemeteries.}

SEC. XX. Be it further enacted by the authority aforesaid, That said mayor and council shall have power to establish and fix fire limits, and from time to time, in their discretion, to extend and enlarge the same, within which fire limits, when so established, it shall not be lawful for any one to erect other than fire-proof buildings or structures of any kind whatever, and should any one erect, or cause to be erected, within such fire limits so established any buildings or other structures of any kind other than fire-proof, the said mayor and council, after giving five days' notice, shall cause the same to be removed at the expense of the owners of such buildings or other structures, to be collected by execution, as in other cases, and said mayor and council shall have power to determine what buildings, or other structures, are or are not fire-proof. This section shall not be varied in favor of any person or persons whatsoever. ^{Fire limits, etc.}

SEC. XXI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

Creating Board of Commissioners for Berrien County.

TITLE II.

COUNTY OFFICERS.

ACTS.

Creating board of county commissioners for Berrien county.
 Amending Act creating commissioners for Oconee county.
 Inspector of roads and bridges for Jasper county.
 Creating board of commissioners for Union county.
 Fees of Ordinary of Chatham county.
 Creating board of tax assessors for Chatham county.
 Amending Act creating commissioners of Houston county.
 Creating board of commissioners of Irwin county.
 Creating board of commissioners of Clayton county.
 Abolishing board of commissioners of Paulding county.
 Compensation of commissioners of Wilkinson county.
 Amending Act creating commissioners of Thomas county.
 Amending Act creating commissioners of Gordon county.
 Compensation for election clerks and managers in McDuffie county.
 Amending Act making judge city court of Richmond county *ex officio* commissioner of roads and revenues.
 Sheriff of Decatur county *ex officio* sheriff county court.

CREATING BOARD OF COMMISSIONERS FOR BERRIEN COUNTY.

No. 183.

An Act to create a board of commissioners of roads and revenues for the county of Berrien; to define their powers and duties, and for other purposes.

SECTION I. The General Assembly of the State of Georgia do enact, That a board of commissioners of roads and revenues for the county of Berrien, to consist of three persons, is hereby created. Said commissioners shall be freeholders and qualified voters of said county. The first commissioners to be chosen under this Act shall be elected by the grand jury at the fall term, 1887, of Berrien Superior Court. One commissioner shall then be elected for one year, one for two years and one for three years. As their terms expire their successors shall be elected by the grand jury

Board created.

Qualifications for office.

Elections and terms of commissioners.

Creating Board of Commissioners for Berrien County.

at the fall term of said court, each for a term of three years. Said commissioners shall receive as their compensation two dollars per day of actual service out of the county treasury to be paid by the county treasurer upon certificate of the chairman and clerk of said board. They shall elect a clerk for said commission, who may be one of their number, whose duty shall be to keep a record of the actings and doings of said commission at the court-house in said county, and who shall receive as compensation for the performance of said duties such sum, not to exceed three dollars per day, as may be, prior to his election, fixed by said board for each year. Said commissioners shall give bond in the sum of one thousand dollars each, with sufficient securities, to be approved and payable to the Ordinary of said county of Berrien, and his successors in office, and conditioned for the faithful performance of the duties of his position as said commissioner, and shall take an oath before the Ordinary of said county to faithfully discharge their duties. Said commissioners shall, at the first meeting of the board after the passage of this Act, elect a chairman, who shall hold office for one year and until his successor is elected. Said chairman shall preside at all meetings of the board, and shall sign all processes, notices or orders or other documents in writing requiring the official signature of said board. In his absence the board may elect a chairman *pro tempore*, with like powers and authority.

SEC. II. That said commissioners shall have exclusive jurisdiction and control over the following matters, to-wit: In directing and controlling all the property of the county as they may deem expedient according to law; in levying taxes according to law; in establishing, altering or abolishing roads, bridges and ferries in conformity to law; in establishing, abolishing and changing election precincts and militia districts; in supervising the tax collector's and receiver's books and allowing the insolvent list for said county; in settling all claims against the county; examining and auditing all claims or accounts of officers having the care, management, keeping, collecting or disbursement of money belonging to the county or appropriated for its use and benefit, and bringing them to a settlement; in making such rules and regulations for the support of the poor of the county, and for promotion of health as are not inconsistent with law; in regulating peddling; to have and exercise all the powers now granted to the court of Ordinary when sitting for county purposes.

SEC. III. That said commissioners shall hold one session on the first Monday in every month at the county site in the court-house building, and not less than two of said commissioners shall pass an order or decree on any subject-matter.

Amending Act Creating Commissioners of Oconee County.

Vacancies. **Minutes.** SEC. IV. That said board of commissioners shall have authority, and they are hereby authorized, to fill any vacancy that may occur in said board by death, resignation or otherwise, until the next fall term of the Superior Court of said county, when the grand jury shall fill the balance of the unexpired term. Said board shall keep a record of their actings and doings in a book to be provided for that purpose, which record shall be laid before the grand jury of said county at the spring term of the Superior Court in each year.

SEC. V. That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved September 20, 1887.

AMENDING ACT CREATING COMMISSIONERS OF OCONEE
COUNTY.

No. 225.

An Act to amend an Act entitled an Act to provide for a board of commissioners of roads and revenue for the county of Oconee, and to define the powers and duties thereof, approved February 28th, 1876, so as to fix the compensation of the commissioners at two dollars per day each, and the clerk of said board at four dollars per day, and for other purposes.

Compensation of clerk. SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is enacted by the same, That from and after the passage of this Act, section sixth of an Act entitled an Act to provide for a board of commissioners of roads and revenue for the county of Oconee, and to define the powers and duties thereof, approved, February 28th, 1876, be amended by striking therefrom the following: "Said clerk shall receive such reasonable compensation for his services as may be allowed by the board, not to exceed one hundred dollars per annum," and inserting in lieu thereof the following: "Said clerk shall receive four dollars per day for actual services rendered at each regular monthly meeting," so that said section, when amended, shall read as follows: "That said board shall have power to appoint a suitable person, who may be one of their number, to act as clerk of the board, whose duty it shall be to attend all meetings of the same and to keep in a book provided for that purpose a full and correct record of the transactions of the board, and to perform such other duties as may be required of him as clerk of the board. Said clerk shall receive four dollars per day for actual services rendered at each monthly

Inspector of Roads and Bridges for Jasper County.

meeting, and shall, before entering on the duties of his office, enter into a bond, with such security as a majority of the board may approve, in the sum of five hundred dollars, payable to the board of commissioners, and conditioned for the faithful performance of his duties as clerk; and the clerk so appointed shall be removed at any time when a majority of the board shall so determine."

SEC. II. Be it further enacted by the authority of the same. That section seventh of said Act be, and the same is hereby stricken, and in lieu thereof the following inserted: "That each commissioner shall receive two dollars per day for actual services rendered at each monthly meeting." Compensation of commissioners.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approved September 22, 1887.

INSPECTOR OF ROADS AND BRIDGES FOR JASPER COUNTY.

No. 227.

An Act to create the office of inspector of roads and bridges for the county of Jasper; to provide for the manner of his appointment, his duties and liabilities, compensation, term of office, and for other purposes herein mentioned.

SECTION I. Be it enacted by the General Assembly of Georgia, That the office of inspector of roads and bridges for the county of Jasper is hereby created. Office created.

SEC. II. Be it further enacted, That said officer shall be appointed by the commissioners of roads and revenues of said county, upon the recommendation of the grand jury of said county at the spring term of the Superior Court thereof, and likewise every two years thereafter. Said officer shall hold his office for the term of two years from the date of his appointment and qualification, and shall have such annual salary as shall be fixed by the grand jury recommending his appointment, said salary to be paid out of the general fund arising from county taxation; and it shall be the duty of said commissioners of roads and revenues of said county, in making their annual estimates for county taxation, to provide for the payment of the same. Appointment of inspector.
Term of office.
Salary.

SEC. III. Be it further enacted, That in case of a vacancy, by death, resignation or otherwise, it shall be the duty of said commissioners to fill the vacancy caused thereby by appointment until the meeting of the next grand jury thereafter, which grand jury shall recommend the appointment to fill the unexpired term. Said commissioners shall require the same bond and oath Vacancy.

 Inspector of Roads and Bridges for Jasper County.

of such appointee as is herein required to be given by the prior incumbent.

Oath of office. SEC. IV. Be it further enacted by the authority aforesaid, That said inspector shall be required to make and file the following oath before entering upon the duties of his office, to wit: "I do solemnly swear (or affirm) that I will faithfully and impartially perform and discharge my duties as inspector of roads and bridges for the county of Jasper during the term of my office, and that I will give no favor or preference to any road district or section over another, and shall give such bond to the said commissioners as shall be required by the grand jury recommending his appointment, said bond to be conditioned for the faithful performance of his duties as said inspector, and shall be made payable to said commissioners of roads and revenues of said county. Said bond shall be filed in the office of said commissioners and recorded on their minutes, and upon his making such oath and executing said bond, it shall be the duty of said commissioners to issue to said inspector a commission or certificate of appointment. Upon failure to perform the duties required of him in this Act, suit may be brought against him and his bondsmen, either by the commissioners of roads and revenues of said county, for injuries or damages to the public interest of the county, or by any person or persons who may be injured or damaged by such failure to perform his duties, in any court having jurisdiction in said county.

Bond.

Breach of bond.

Duties of inspector. SEC. V. Be it further enacted by authority aforesaid, That it shall be the duty of said inspector to inspect in person all the public roads and bridges of said county not less than four times during each year. He shall acquaint himself with all the road commissioners and overseers of the roads of said county, ascertain the limits of roads assigned to each commissioner and overseer in each district, and shall make a carefully prepared map of the same, distinguishing by suitable marks on said map the roads and bridges of said county by district, and shall post said map in the office of the commissioners of roads and revenues of said county. After inspecting said roads as aforesaid, he shall make his report to the grand jury at the spring and fall terms of the Superior Court of said county, the condition of the roads and bridges of the county, in which report he shall bring to their knowledge any neglect or default of any road commissioner or overseer in said county, and it shall be the duty of the grand jury to specially present any commissioner or overseer who shall be found by said inspector in default of his or their duty, and the proceedings in such special presentments shall be the same as is now provided by law against road commissioners for failure to discharge their duty.

Reports, etc.

Creating Board of Commissioners for Union County.

SEC. VI. Be it further enacted by the authority aforesaid, That for the guidance of said inspector the standard of good road work, as to width, felling trees, establishing mile-posts, and in all other respects, shall be that which is now required by law, and to that standard he shall require each road officer to attain. Standard of road-work, etc.

SEC. VII. Be it further enacted by the authority aforesaid, That it shall be the duty of the commissioners of roads and revenues aforesaid to provide for, purchase and furnish a sufficient number of scrapes, plows, picks, hoes, axes and other implements necessary for the purpose, to said inspector, who shall distribute them judiciously, having in view the character of the roads and amount of work, to the road commissioners of the several road districts, from whom he shall take a receipt for the implements furnished, and the said road commissioners of the several districts shall keep them and carefully preserve them from use other than on public roads and bridges of said county. Implements to be furnished.

SEC. VIII. Be it further enacted by the authority aforesaid, That any and all fines and forfeitures arising from the prosecution of the violators of this Act shall be deposited with the county treasurer to be applied to educational purposes. Disposition of fines, etc.

SEC. IX. All laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 24th, 1887.

CREATING BOARD OF COMMISSIONERS FOR UNION COUNTY.

No. 228.

An Act to create a board of commissioners of roads and revenues in the county of Union; to define their powers and duties, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That at the first regular session of the Superior Court in and for the county of Union, next after the passage of this Act, the grand jury on the first day of said session shall elect by a two-thirds vote, by ballot, three citizens of said county, who shall, upon taking the oath hereinafter prescribed, constitute a board of commissioners of roads and revenues for said county; *Provided*, that if one-fifth of the voters in said county at any time after said election by the grand jury shall petition the Ordinary to order an election to submit the question whether said commis- Election of board.

Creating Board of Commissioners for Union County.

sioners shall be elected by the grand jury or the people, then and in that case the Ordinary shall order an election to be held under the same rules and regulations as elections for county officers within thirty days thereafter, and in determining whether one-fifth of the voters of said county has so petitioned, the returns of the last general election shall be taken as a test. At such election those who desire that said commissioners shall be elected by the people shall write on their ballots, "The People," and those who desire them elected by the grand jury shall write on their ballots, "The Grand Jury." The Ordinary shall announce the result of said election, and if a majority of the votes cast at said election favor the election of said commissioners by the people, then and in that case the said commissioners shall be elected every two years, and at the same time and in the same manner as Sheriff and Clerk; and in the event a vacancy occurs, the Ordinary shall order an election to fill said vacancy in thirty days thereafter, and at the first election for county officers after the above election is held, such commissioners shall be elected, and the terms of office of the commissioners elected by the grand jury in accordance with this section shall cease and determine; but if a majority of the votes cast at such election shall favor the election of said commissioners by the grand jury in accordance with this section, shall continue to hold their offices for the terms hereinafter prescribed, and all future commissioners shall be elected by the grand jury as hereinafter prescribed.

Vacancies.

Terms of office.

SEC. II. Be it further enacted, That the terms of office of the first board shall be as follows: One member shall be elected for a term of three years, one for a term of two years and one for a term of one year. The terms of office of the first board shall commence immediately after their election and qualification. All vacancies which shall occur by reason of the expiration of a term of office shall be filled by the grand jury which shall sit next preceding such expiration; and all persons who shall be elected to fill vacancies made by the expiration of a term shall be elected for three years; all vacancies which shall occur in any other way than by the expiration of a regular term shall be filled by the grand jury which shall meet next after the vacancy shall have been made; and all persons elected by a grand jury to fill vacancies so occurring shall be elected to fill the unexpired term; *Provided*, that the Ordinary shall have power to appoint some one to fill said vacancy till the same shall have been filled by the grand jury as hereinafter provided. A two-thirds vote of the grand jury by ballot shall be necessary in filling all vacancies.

Vacancies.

Oath of office

SEC. III. Be it further enacted, That no person shall be competent to serve on said board until he shall have taken the fol-

Creating Board of Commissioners for Union County.

lowing oath of office, which shall be administered by the Judge of the Superior Court, the Clerk of said court or the Ordinary, which oath shall be recorded in the book of record of the proceedings of said board hereinafter provided for, to-wit : You, and each of you, do solemnly swear that you will faithfully discharge the duties of commissioners of roads and revenues, and in all matters which require your official action, you will so act as in your judgment will be most conducive to the welfare and prosperity of the entire county.

SEC. IV. Be it further enacted. That upon the election of said ^{Commission.} board, either by the people or by the grand jury, it shall be the duty of the Clerk of the Superior Court to certify to the Governor, under the seal of his office, the names of the persons so chosen, and the Governor shall, upon the receipt thereof, commission them for the terms to which they may have respectively been elected, and upon presentation of their commissions, and taking the oath above prescribed, they shall enter at once upon the discharge of their duties.

SEC. V. Be it further enacted, That two of said board shall ^{Quorum.} be a quorum, and two must concur to pass an order, or let any contract, pledge the county credit, or grant or allow any claim against the county.

SEC. VI. Be it further enacted, That said board, when sitting ^{Powers of board.} for county purposes, shall have exclusive jurisdiction over the following subject-matters: 1st. In governing and controlling all county property, as they may deem best, according to law, letting, hiring or farming out the county convicts of said county. 2nd. In levying taxes for county purposes in accordance with law. 3rd. In examining, auditing, allowing and settling all claims against the county. 4th. In examining and auditing the accounts of all officers or persons having the care, management, keeping, collecting or disbursing of money belonging to the county, or appropriated for its use, and bring them to a settlement. 5th. In making such rules and regulations for the support of the paupers, and the promotion of their health, as are not inconsistent with the laws of this State. 6th. In establishing, altering, abolishing or opening roads or bridges in accordance with law. 7th. In the appointment of road commissioners, and in the general management of the roads, bridges and revenues of the county, and exercise all the powers over the county officers in said county as are now exercised by the Ordinary; to grant, or refuse to grant, license to sell spirituous liquors in said county, in their discretion, according to existing laws.

SEC. VII. Be it further enacted, That said commissioners shall ^{Borrowing money.} be authorized and empowered to borrow money at the legal rate of interest so as to let contracts at cash rates, etc..

Fees of Ordinary of Chatham County.

Meetings. SEC. VIII. Be it further enacted, That said commissioners shall hold their regular meetings on the first Mondays in January, April, July and October in each year, and may hold special meetings, in addition to the regular meetings, when the interest of the county demands it. Said commissioners shall keep a record of all their proceedings in a well-bound book, to be purchased by them for that purpose and paid for by the County Treasurer, on their order, and shall submit the same to the inspection of the grand jury at each regular term of the Superior Court.

Minutes.

Compensation. SEC. IX. Be it further enacted, That the members of said board shall be paid one dollar per day for the time they are actually sitting for county purposes; *Provided*, the said per diem of each shall not exceed twenty dollars each per annum.

Exemption. SEC. X. Be it further enacted, That said commissioners shall be exempt from road duty.

Payment of county funds. SEC. XI. Be it further enacted, That the Treasurer of said county shall not disburse or pay out any of the funds in the county treasury unless authorized by the order, in writing, of said board of commissioners.

SEC. XII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved September 24th, 1887.

FEES OF ORDINARY OF CHATHAM COUNTY.

No. 244.

An Act to repeal so much of an Act entitled "An Act to amend an Act regulating the tavern license in this State," approved December 15th, 1809, so far as the same relates to the county of Wilcox, and to define the fees of the Ordinary of Chatham county, in this State, as fixes the fees of the Ordinary of said county of Chatham, and to establish and provide, as the fees of said Ordinary of Chatham county, the same fees and compensation allowed the Ordinaries in this State, as prescribed and specified in section 3694 of the Code of Georgia of 1882, and for other purposes.

Act amending Act of Dec. 15, 1809, as to fees of Ordinary of Chatham county repealed. SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That so much of an Act entitled "An Act to amend an Act regulating the tavern license in this State, approved December 15th, 1809, so far as the same relates to the county of Wilcox,

Creating Board of Tax Assessors for Chatham County.

and to define the fees of the Ordinary of Chatham county, in this State," as prescribed and established the fees of said Ordinary of Chatham county, be, and the same is hereby repealed.

SEC. II. Be it further enacted by the authority aforesaid, That ^{Fees of Ordinary fixed.} from and after the first of January, 1888, the fees of the Ordinary of said county of Chatham shall be the same as now allowed Ordinaries in this State under section 3694 of the Code of Georgia of 1882, and his said fees shall be the same as now prescribed in said section of the Code of Georgia.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29th, 1887.

CREATING BOARD OF TAX ASSESSORS FOR CHATHAM COUNTY.

No. 245.

An Act to create and provide a board of assessors of real and personal property, subject to taxation, for the county of Chatham, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the commissioners of Chatham county and *ex officio* judges shall, at their regular session in the month of March in each year, elect three (3) upright, intelligent and experienced citizens, two (2) of whom shall be resident freeholders of the city of Savannah, and one (1) a freeholder residing in the county of Chatham, beyond the jurisdictional limits of said city of Savannah, who shall constitute a board of assessors for said county. The persons so elected shall, before entering upon the duties of their office, and in the presence of said county commissioners, take an oath to faithfully and impartially discharge the duties of their office. They shall receive the compensation of three (\$3) dollars per day while actually engaged in the discharge of their duties, to be paid out of the treasury of said county upon the warrant of said county commissioners. ^{Election} ^{Oath of office.} ^{Compensation.}

SEC. II. Be it further enacted, That it shall be the duty of said board of assessors to meet in the office of the receiver of tax returns of said county on the first Monday of May, of June and of July of each year, and upon other days of said months, at the discretion of the commissioners of Chatham county. ^{Meetings.}

Creating Board of Tax Assessors for Chatham County.

Duties of. SEC. III. Be it further enacted, That it shall be the duty of said board of assessors to review all returns of real and personal property made to the receiver of tax returns for said county, and whenever any person or persons, or body corporate, whose duty it is to make tax returns to said receiver of any species, kind or description of property that is intended to be taxed by the laws of Georgia, shall fail to return the whole, or any part thereof, at a just and equitable valuation, the said board of assessors shall proceed to assess the property of such defaulting person or persons, or body corporate, at such a valuation as in their judgment and from their best knowledge is just and equitable.

Proceedings where full return is not made. SEC. IV. Be it further enacted, That it shall be the duty of said board of assessors, and they are hereby authorized and required, in all cases in which they have good reasons to believe that full and complete returns have not been made by any person, persons or body corporate, to notify such person, persons or body corporate, through the receiver of tax returns, to appear before him at his office for the purpose of amending his, her or their returns, and in default of such appearance and failure to answer as required, such person, persons or body corporate shall be subject to the same penalty as is prescribed by law for failure or refusal to make tax returns.

Secretary. SEC. V. Be it further enacted, That the receiver of tax returns of said county shall be secretary of said board of assessors, and shall furnish to said board all information in his power regarding such returns as he may know or believe not to be just and fair and according to law, and also the names of every person or persons or body corporate he may know who has or have failed or refused to make returns as required by law. **Compensation.** The compensation of said receiver of tax returns, while acting as secretary to the board of assessors, shall be three dollars (\$3.00) per day while actually engaged in the discharge of his duties, and shall be paid out of the treasury of said county upon the warrant of the county commissioners.

Hearing of dissatisfied parties, etc. SEC. VI. Be it further enacted, That any person or persons or body corporate dissatisfied with his or their assessment, or whose returns have been refused by the receiver of tax returns, shall have the right and privilege of appearing before said board of assessors and of being heard; and the said board shall order the return to be received, if found correct and just, or shall proceed to alter, correct or amend the assessment complained of, as the case may be, so as to make it conform to the requirements of the law.

Vacancies SEC. VII. Be it further enacted, That all vacancies in said board shall be filled by the said commissioners of Chatham county, and *ex officio* judges at their first regular session thereafter.

Amending Act Creating Commissioners of Houston County.

SEC. VIII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved September 29, 1887.

AMENDING ACT CREATING COMMISSIONERS OF HOUSTON
COUNTY.

No. 247.

An Act to amend an Act entitled "An Act to create a board of roads and revenues for the county of Houston, and for other purposes," approved February 28th, 1874, so as to fix the term of office of the members of said board; provide for the election of the same by the people, and provide for filling vacancies on said board, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, Elections. That from and after the passage of this Act, the above-recited Act shall be amended as follows: By striking out the whole of Section XI. thereof and inserting in lieu thereof the following as Section XI.: "That the successors of said commissioners in office at the passage of this Act shall be elected by the qualified voters of said county on first Wednesday in January, 1889, and biennially thereafter at the same time that other county officers are elected, and under the same rules, laws and regulations as are provided for the elections of other county officers of said county; and should any vacancy occur in said board after said election, by Vacancies death, resignation or otherwise, such vacancy shall be filled as is now provided by law in the Code of 1882 for filling vacancies in other county offices.

SEC. II. That Section I. of the above-recited Act be amended Terms of so that the terms of office of said commissioners shall be two office. years, instead of four years, as is now provided in said Act.

SEC. III. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29th, 1887.

CREATING BOARD OF COMMISSIONERS OF IRWIN COUNTY.

No. 254.

An Act to create a board of commissioners of roads and revenues for the county of Irwin, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, there shall be established a board of commissioners of roads and revenues for the county of Irwin, consisting of six members, viz.: Frederick Tucker, David Clemants, David T. Paulk, Joshua Troup, Lott Warren and Jesse Sumner. They are hereby constituted and appointed as the board of commissioners of roads and revenues for the county of Irwin, and shall hold their office until their successors are elected and qualified in the manner hereinafter provided.

SEC. II. Be it further enacted, That the qualified voters, at the next general election for county officers, to be held in said county of Irwin, shall elect five commissioners of roads and revenues for said county, who shall hold their office for the term of two years, and until their successors are elected and qualified, and vacancies in said board shall be filled by the grand jury of said county, and the persons so appointed shall hold said office until the next regular election, which shall be every two years, or when county officers are elected.

SEC. III. Be it further enacted, That said board of commissioners shall have and exercise full power and authority, not inconsistent with law, to levy and assess all taxes for county purposes, to appoint all road commissioners, to establish new roads and abolish old ones, to build and repair bridges, to change lines of militia districts, and establish new districts, and to recommend and place all parties on the pauper list, to allow road gates under such rules and regulations as said board shall adopt, to examine and audit all accounts against said county; in fact, to have and exercise all the power now had and exercised by the ordinary over county matters of said county.

SEC. IV. Be it further enacted, That said board of commissioners shall select from their body a chairman, who shall sign all claims against the county when audited by said board, and all other orders so made by the board, and in the event said chairman is not present, then said board may select a chairman from the board with like powers and authority.

SEC. V. Be it further enacted, That a majority of said board shall constitute a quorum to transact business, and they shall

Creating Board of Commissioners of Clayton County.

meet on the first Monday in each month at the court-house in Meetings. said county, and oftener, if necessary.

SEC. VI. Be it further enacted, That the board of commis- Clerk. sioners shall select from their own number or otherwise a suitable clerk, who shall keep a correct record of all the proceedings of said board, and submit the same to the grand jury of said county at each and every spring term.

SEC. VII. Be it further enacted, That the members of said Oath of of- board hereby appointed and to be hereafter elected shall, before fice. entering upon their duties as such, shall take and subscribe before the Ordinary of said county an oath to faithfully perform their duties as such commissioners.

SEC. VIII. Be it further enacted, That said commissioners Compensation. shall receive as compensation for their services the sum of two dollars and fifty cents per day, and the clerk the sum of three dollars per day, provided that none of said board and clerk shall be paid for more than one day for each month.

SEC. IX. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 1, 1887.

CREATING BOARD OF COMMISSIONERS OF CLAYTON COUNTY.

No. 259.

An Act to create a board of commissioners of roads and revenue for the county of Clayton; to prescribe the time and manner of its election; to define the powers and duties of said board, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the Board created. State of Georgia, and it is hereby enacted by authority of the same, That a board of commissioners of roads and revenue for the county of Clayton be by virtue of this Act created. Said Qualifications and elections. board of commissioners shall consist of five persons who are qualified voters of said county. The first commissioners to be chosen under this Act shall be elected by the grand jury at the spring term of Clayton Superior Court in the year 1888. Two commissioners shall then be elected for the term of one (1) year, and three commissioners for the term of two (2) years, and until their successors are elected, and as their terms expire their successors shall be elected by the grand jury at the spring term of said court, each for a term of two (2) years. Said com- Compensation. missioners shall receive as their compensation the sum of two

 Creating Board of Commissioners of Clayton County.

(2) dollars for each day's active service rendered by each of said commissioners, to be paid by the county treasurer upon certificate of the chairman and clerk of said board, that said service had been rendered by said commissioner. Said commissioners shall during the term of the Superior Court at which they are elected, take and subscribe before the Judge of said court, the following oath: "You, and each of you, do solemnly swear that you will faithfully discharge the duties of commissioner of roads and revenue for the county of Clayton, and that you will so act as in your judgment will be most conducive to the welfare and prosperity of said county." Said oath to be entered on the minutes of said Superior Court. Said board of commissioners shall hold their first meeting at the court-house on the first Monday in April, 1888, at which term they shall elect a chairman and a clerk. The chairman of said board shall be one of the members of said board, and shall hold his position for the term of one year and until his successor is elected. He shall preside at all meetings of said board, and shall sign all processes, notices or other documents requiring the official signature of said board. In the absence of the chairman, the board may elect a chairman *pro tempore* with like powers and authority. The clerk elected by said board shall, before entering upon his duties, take and subscribe to the following oath before the chairman of said board of commissioners: "You do solemnly swear that you will faithfully discharge all the duties pertaining to the office of clerk of the board of commissioners to the best of your skill and ability." Said oath to be entered on the minutes or record book to be kept by said commissioners. Said clerk may or may not be one of the members of said board. The term of office of said clerk shall be for one year and until his successor is elected. It shall be the duty of said clerk to attend all the meetings of said board of commissioners, and to keep an accurate record of all the actings and doings of said board of commissioners in a neat and legible manner, on a book or books to be provided for the purpose, and to perform all other duties pertaining to the office of clerk of commissioners of roads and revenue of said county. He shall receive as his compensation such sum as may be fixed by said board prior to his election as his salary, which may be fixed by said board, either to be paid for each day's actual service, or such sum per annum as they may decide upon, not to exceed the sum of fifty dollars.

Oath of of
Aoc.First
meeting.

Chairman.

Chairman
pro tem.
Clerk.

Quorum.

SEC II. That three members of said board shall be a quorum, but that three members of said board must concur to pass any order or do any official act of the board.

Creating Board of Commissioners of Clayton County.

SEC. III. That said board of commissioners shall have, under ^{Powers.} the laws of this State, exclusive jurisdiction in Clayton county, over the following matters, to-wit :

- 1st, In managing and controlling all the property of the county.
- 2nd, In levying taxes according to law.
- 3rd, In establishing, changing and abolishing roads, bridges, ferries, private ways and election precincts or militia districts.
- 4th, In examining, auditing and settling all claims against the county.

5th, In examining and auditing the accounts of all officers, having the care, management, collecting or disbursing of the money of the county, and in bringing said officers to a speedy settlement.

6th, In providing for the support of the poor, and the promotion of health.

7th, In regulating peddling, and fixing the license therefor.

8th, In working, leasing, or otherwise disposing of the county chaingang, providing for its management in a safe and humane manner.

9th. In supervising of the tax collector and receiver's books, and in allowing the insolvent list for the county

10th, In appointing road commissioners, and in enforcing the road laws in as full a manner, as was vested in the Inferior Court immediately preceding the adoption of the Constitution of 1868.

SEC. IV. That said commissioners shall hold one session on ^{Sessions} the first Monday in each month at the court house, and that a majority of said board may call an extra session, whenever in their judgment it is absolutely necessary.

SEC. V. That it shall be the duty of said board of commissioners, at the spring term of the superior court each year, to furnish ^{Reports of} to the Grand Jury, all the books and records of said board for ^{Grand jury} examination.

SEC. VI. That said board of commissioners shall have the ^{Vacancies.} power to fill any vacancy which may occur in the board from any cause, until the succeeding term of the superior court, when the remainder of the unexpired term shall be filled by the Grand Jury.

SEC. VII. Be it further enacted, That the following persons, ^{Provisional board.} to-wit : R. S. Mundy, Lewis Davis, R. T. S. Huie, E. K. Trorton and Elijah Huie, shall by virtue of this provision, act as commissioners, under this Act, until the spring term of Clayton Superior Court, at which time, the regular election as provided by this Act shall take place. Said persons shall as soon as practicable after the passage of this Act, go before the ordinary and take the oath provided by this Act in Section 1, and enter upon the duties of their office.

SEC. VIII. That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Approved October 1, 1887.

Abolishing Board Com'mrs Paulding Co.—Compensation of Com'mrs of Wilkinson Co.

ABOLISHING BOARD OF COMMISSIONERS OF PAULDING COUNTY.

No. 294.

An Act to repeal an Act entitled "An Act to establish a board of commissioners for Paulding county," etc. Approved September 8, 1883.

Board
abolished.

SECTION I. The General Assembly of the State of Georgia do enact, That from and after the passage of this Act that the Act creating a board of commissioners for Paulding county, and approved September the 8th, 1883, be, and the same is hereby repealed.

Disposi-
tion of
books, pa-
pers, etc.

Powers,
etc., con-
ferred on
Ordinary.

SEC. II. Be it further enacted, That said board of commissioners shall turn over to the Ordinary of said county all books, papers and everything else relating to said office, immediately after the passage of this Act, and it shall be the duty of the Ordinary to take charge of said books, papers, etc., and the powers and duties of said board are hereby conferred upon said Ordinary, with full power to discharge all the business of said board.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed. Approved October 8, 1887.

COMPENSATION OF COMMISSIONERS OF WILKINSON COUNTY.

No. 385.

An Act fixing the compensation of the commissioners of roads and revenues of Wilkinson county, approved February 23rd, 1876.

Compensa-
tion in-
creased.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That on and after the passage of this Act, that section 2nd of the above-recited Act be amended by striking from the second line of said section, the words "one dollar," and inserting in lieu thereof, the words, "two dollars," so that said section, when amended, will read as follows: "That the county commissioners of roads and revenues of said county shall each receive two dollars per diem for the days they are respectively engaged as such officers. The clerk shall receive

 Amending Act Creating Commissioners of Thomas County.

such compensation for his services as they may elect to give him.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

AMENDING ACT CREATING COMMISSIONERS OF THOMAS
COUNTY.

No. 410.

An Act to amend an Act entitled an Act to provide for a board of commissioners of roads and revenue for the counties of Camden, Thomas and Echols, approved February 20th, 1873; so far as the same relates to Thomas county, so as to provide that no more than two such commissioners shall reside in any one militia district, nor more than one in any district, except the Thomasville district, and for other purposes. .

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the above-recited Act be amended by adding thereto another section known as section ten, which section shall read as follows: Addition-
al section

The appointment of said commissioners for the county of Thomas shall be so arranged that not more than one of them shall reside in any one militia district of said county, except the Thomasville district, and no more than two of them shall reside in said Thomasville district. The appointment of such commissioners shall be recommended or confirmed by a majority of the Grand Jury of said county of Thomas. where
commis-
sioners
must re-
side.

Appoint-
ment.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 22, 1887.

Amending Act Creating Commissioners of Gordon County.

AMENDING ACT CREATING COMMISSIONERS OF GORDON COUNTY.

No. 425.

An Act entitled an Act to organize a board of county commissioners for the county of Gordon, and for other purposes, approved February 26th, 1874.

SECTION I. Be it enacted by the General Assembly of the State of Georgia and it is hereby enacted by authority of the same, That from and after the passage of this Act the above-recited Act shall be so amended that at the next election for county officers held in said county there shall be three persons elected as county commissioners. The person receiving the highest number of votes shall hold his office for the term of four years, the other two shall hold their office for two years.

SEC. II. Be it further enacted by the authority aforesaid, That at each succeeding election for county officers held in said county there shall be two persons elected as county commissioners, the one receiving the highest number of votes shall be elected for the term of four years, the other for the term of two years.

SEC. III. Be it further enacted by the authority aforesaid, That said commissioners shall receive from the county treasury the sum of one dollar and fifty cents per day for each day of actual service rendered, provided the amount does not exceed the sum of twenty-five dollars each per annum.

SEC. IV. Be it further enacted by the authority aforesaid, That the duties, powers, etc., of said commissioners shall remain the same as now prescribed in the Act approved February 26th, 1874.

SEC. V. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

Three commissioners to be chosen at next election.

Terms of office.

Subsequent elections.

Compensation.

Duties, etc.

Compensation for Election Clerks and Managers in McDuffie County; etc.

COMPENSATION FOR ELECTION CLERKS AND MANAGERS IN
MCDUFFIE COUNTY.

No. 433.

An Act to provide compensation for all managers and clerks of general and special elections held in McDuffie county, and for other purposes.

SECTION I. The General Assembly of the State of Georgia do enact, That from and after the passage of this Act all managers and clerks of general and special elections for Naional, State and county officers shall receive as compensation for their services at said elections the sum of one dollar per day each, to be paid from any funds in the county treasury not received from taxation. Compensation fixed.

SEC. II. Be it further enacted by the authority aforesaid, That the managers and clerks as aforesaid shall present their bills for their services to the Ordinary or such other officer or officers whose duty it is to audit claims against the county, and if found correct he or they shall order the same paid as above provided. How bills shall be presented and paid, etc.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

AMENDING ACT MAKING JUDGE OF CITY COURT OF RICHMOND COUNTY EX OFFICIO COMMISSIONER OF ROADS AND REVENUES.

No. 497.

An Act to amend an Act entitled An Act to constitute the judge of the city court in the county of Richmond *ex officio* commissioner of roads and revenue for Richmond county; to define his powers and duties, and for other purposes," approved September 17th, 1883.

SECTION I. Be it enacted by the General Assembly of Georgia, That the Act entitled "An Act to constitute the judge of the city court, in the county of Richmond, *ex officio* commissioner of roads and revenue for Richmond county; to define his powers and Statement of amount of proposed tax, etc.

Making Judge City Court Richmond Co. *ex officio* Commissioner Roads and Revenues.

Publi-
cation.

Tax not to
be levied
without
said order
save by ac-
tion of
grand
jury.

Increase of
amount.
Further
state-
ments, etc.

Publi-
cation.

Action of
grand
jury.

duties, and for other purposes," approved September 17th, 1883, be, and the same is hereby amended by adding to the 1st section of said Act the following: Ten days before the meeting of the grand jury at the Spring term of the Superior Court of said county, in each year, said commissioner shall enter upon his minutes an order stating the total amount of tax he proposes to levy and raise without the recommendation of a grand jury, stating the specific purpose for which it is to be used, the per cent. for each specific purpose and the estimated amount that will be raised by such per cent. for each specific purpose, and a reference to the section of the Code or law, under and by virtue of which he is authorized to levy the tax for each specific purpose, without the recommendation of a grand jury. Said order shall be published twice in the paper publishing legal notices and advertisements in said county, one week before the meeting of said Spring term. Without said order and statement, said commissioner shall, in no case, be authorized to levy or collect any tax, without the action of the grand jury, and after said order and statement, the amount for each specific purpose therein named shall not be increased by said commissioner, and the amount raised for one purpose shall in no case be used for any other or different purpose. Ten days before the meeting of the grand jury at the spring term, said commissioner by separate order shall enter upon his minutes an estimate of the total amount needed for the year, for which taxes are to be levied by said grand jury, with an estimate of the amount needed for each specific purpose and the per cent. estimated to be necessary to raise the sum needed for each specific purpose. A statement of the total debt of said county, the amount of interest paid, the amount of debt incurred during the past year, the amount of interest paid thereon and a statement of the law or authority under which and the person by whom said debt was created or incurred, and the name of the creditor; which said order and estimate shall be published separate from the order herein before mentioned, twice in the paper publishing legal notices in said county, one week before the meeting of the spring term of the Superior Court. If said total tax, so estimated to be necessary, is within the limit authorized to be levied with the recommendation of a grand jury under the provisions of Section 509 of the Code, or if the facts and conditions of the county finances are such as to show that the extraordinary tax authorized by section 515 of the Code may lawfully be levied, and said grand jury adopt the estimate of said commissioner in whole or in part, or amend, or change or reduce the same, or recommend more for one purpose or less for any specific purpose than that estimated to be necessary by said commissioner, he shall be, and is

Sheriff of Decatur County *ex-officio* Sheriff of County Court.

hereby authorized to levy such tax so recommended by the grand jury, if within the limit fixed by Section 509 of the Code, and section 515 of the Code when authorized. In no case shall the total levy, or levy for any specific purpose, exceed that authorized by the grand jury; and in case said grand jury by the proper two-thirds vote recommend a tax authorized by law but do not recommend any per cent. for specific purposes, then, in no case shall the tax levied by the commissioner by virtue of the action of the grand jury for any specific purpose, exceed that mentioned in the estimate submitted by said commissioner. In all cases where the tax levied exceeds that authorized by section 509 of the Code, and is within the tax authorized by section 515 of the Code, it shall be the duty of the commissioner to comply with the provisions of that section as to the payment of the debt, and if at any time any debt to meet casual deficiencies in the revenue of said county shall be lawfully created by any legally authorized authority under any law, the amount of said casual deficiency and the amount of the debt so created, and the law and authority by which it was made, shall be ascertained by said commissioner and reported by him to the grand jury, in order that the amount thereof may be before them to be included in the tax levy in case said grand jury shall recommend a tax under the provisions of section 515 of the Code.

Levy may not exceed that authorized by grand jury.

Payment of debt under sec. 575 of Code.

Casual deficiencies.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

SHERIFF OF DECATUR COUNTY EX OFFICIO SHERIFF OF COUNTY COURT.

No. 542

An Act to make the sheriff of Decatur county *ex officio* sheriff of the county court of said county, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act the sheriff of the county of Decatur shall be *ex officio* sheriff of the county court of said county, and shall perform all the duties now required of the bailiff of the county court of said county, and shall be subject to all the pains and penalties of the bailiff of said county court.

Sheriff made *ex officio* sheriff of county court. Duties, etc.

SEC. II. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this act be, and same are hereby repealed.

Approved October 24th, 1887.

Amending Act Creating Criminal Court for Decatur County.

TITLE III.

COUNTY AND CITY COURTS:

ACTS.

Amending Act creating criminal court for Decatur county.
Payment of insolvent criminal costs to officers of county court of Hancock county.
Creating solicitor county court of Macon county.
Creating county court of Early county.
County judge of Calhoun county.
Establishing city court of Newnan.
Officers of county court of Terrell county.
Amending Act establishing city court of Macon.
Fees, etc., of Judge and Solicitor of county court of Walton county.
Abolishing county court of Coweta county.
Amending Act establishing city court in Bartow county.
Abolishing county court of Upson county.
Amending Act establishing city court of Floyd county.
Amending Act establishing city court of Bartow county.
Amending Act establishing city court of Richmond county.
Amending Act establishing city court of Carrollton.
Amending Act establishing city court of Bartow county.

AMENDING ACT CREATING CRIMINAL COURT FOR DECATUR COUNTY.

No. 159.

An Act to repeal section "2" of an Act entitled an Act to organize a criminal court for the county of Decatur, and to define its jurisdiction, and for other purposes, approved February 23d, 1876.

Sec. 2 of
Act re-
pealed.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, section "2" of the above recited Act be, and the same is hereby

PART III.—TITLE III.—COUNTY AND CITY COURTS. 637

Payment of Insolvent Criminal costs to Officers of County Court of Hancock County: etc.

repealed; *Provided*, this Act shall not go into operation and take effect until the first day of December, 1887. When this Act takes effect.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 10th, 1887.

PAYMENT OF INSOLVENT CRIMINAL COSTS TO OFFICERS OF
COUNTY COURT OF HANCOCK COUNTY.

No. 162.

An Act to provide for the payment of insolvent criminal costs to the officers of the county court of Hancock county, and for other purposes.

SECTION I. Be it enacted by the General Assembly, That from and after the passage of this Act, the insolvent criminal costs now due, and hereafter accruing in the county court of Hancock county shall be paid to the officers thereof, out of the county treasury, whenever the same is recommended by the grand jury of said county; *Provided*, that the recommendation for any given year, shall not exceed the fund arising from the hire of convicts, from said court for that year. Costs to be paid.
From county treasury.

SEC. II. Be it further enacted, That all laws in conflict with this Act be, and the same are hereby repealed.

Approved September 10th, 1887.

CREATING SOLICITOR COUNTY COURT OF MACON COUNTY

No. 185.

An Act to create the office of solicitor for the county court of Macon county, and said Act to fix the appointment of the same.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be the duty of the Governor, with the consent of the Senate, to appoint some competent attorney of said county of Macon, solicitor of the county court, and the term of the office of said county solicitor shall be four years. How appointed.

SEC. II. Be it further enacted, That said county solicitor shall have the same power and authority in criminal cases that the Power and authority.

Creating County Court of Early County.

Fees. solicitor general would have in similar cases in the Superior Court, and shall be entitled to receive the same fees and costs as are allowed the solicitor general for like services; *Provided*, that nothing in this Act shall be construed to deprive the solicitor general of the right to control and collect fees due him in all cases transferred from the Superior Court, and to prosecute all such cases, and collect and distribute the fines, and forfeitures arising therefrom with the same rights and power as he would have had in the Superior Court; *Provided*, that whenever the

Right of solicitor-general.

Trial of transferred cases. solicitor general is not present at any term of the county court when such transferred cases are in order for trial, the county solicitor shall have the right to prosecute said cases, and where the defendant is convicted, and a fine paid, to receive one-half of the solicitor's fee for such conviction; the Solicitor-General being entitled to the other half of said fees.

Compensation for.

Rules and penalties. SEC. III. Be it further enacted, That said county solicitor shall be subject to the same rules and penalties as Solicitors-General for like offences, and that before entering upon the duties of his

Bond, etc. office, he shall give bond and security (to be approved by the county judge), in the sum of five hundred dollars, in the same terms and conditions as are required of Solicitor-General.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 20th, 1887.

CREATING COUNTY COURT OF EARLY COUNTY.

. NO. 214.

An Act to create a county court for the county of Early, and to define the powers and jurisdiction thereof, and the powers, duties and qualifications of the Judge and Solicitor thereof, and to provide for their compensation, and for other purposes.

Court created. SEC. I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, there shall be created for and in the county of Early, a court, to be known as the county court of Early county. Said court shall be a court of record, and have jurisdiction throughout the county of Early as follows:

Jurisdiction. First, The Jurisdiction of said court shall extend to all civil cases of contract or tort (save when exclusive jurisdiction of any case is vested in the Superior Court) when the principal sum claimed in cases of contract or damages claimed in cases of tort does not exceed three hundred dollars, nor is less than fifty.

Second, To try all offences committed in the county of Early, for which the offender is not punishable capitally, or by imprisonment in the penitentiary, which criminal jurisdiction shall be exercised as hereinafter set forth.

SEC. II. Be it further enacted by the authority aforesaid, ^{Terms.} That said court shall be held once in each month for the trial of civil business, the time to be fixed by the Judge of said court, but when once fixed shall not be changed thereafter without first giving public notice thereof, by publishing the same for four weeks in the county paper or the paper (if none is published in said county) where the sheriff's sales for said county are published. That each session of said court shall continue from day to day until all the business in the docket of said court is disposed of for the term. The Judge of said court may adjourn the same, or hold adjourned sessions thereof as provided by law for holding adjourned sessions of the Superior Court.

SEC. III. Be it further enacted by the authority aforesaid, ^{Certain sections of the Code made applicable.} That sections 279(a), 279(b), 283(a), 283(b), 283(c), 283(d), 284(a), 284(b), 285, 286, 287, 287(a), 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 299(a), 299(b), 299(c), 299(d), 299(e), 299(f), 301, 302, 303, 304, 305, 307, 308, 309, 310, 312, 314, 315, 317, 317(a), 317(c) of the Code of Georgia, of 1882, are hereby declared to be so far as applicable, a part of this Act, together with all other sections of this Code therein referred to. The fees of the judge of said court for criminal cases shall be as follows: For issuing ^{Fees.} warrants and hearing the same as a committing court, the same fees as now allowed justices of the peace for such services. For hearing each criminal case upon accusation or indictment, five dollars. For issuing each subpoena, fifteen cents. The sheriff and bailiff shall receive the same fees as now fixed by law for ^{Fines and forfeitures.} like service in committal courts, and the superior court, such fees to be taxed in the bill of costs against the party cast in the suit; and fines and forfeitures collected in said court, shall first be appropriated to the payment of insolvent criminal costs in said court, the remainder to be paid over by said county judge to the county treasurer for county purposes; said court shall have ^{Forfeiture of bonds, etc.} jurisdiction to forfeit all criminal bonds referred to said court without regard to the amount thereof, and to enforce the collection of the same.

SEC. IV. Be it further enacted by the authority aforesaid, ^{Appointment of judge.} That immediately after the passage of this Act, it shall be the duty of the Governor of Georgia, by and with the advice and consent of the Senate, to appoint and commission some fit and proper person who is a citizen of said county, and who is at least twenty-five years of age, and who has been at least for three years a resident of said county, judge of said court, who shall hold his

Creating County Court of Early County.

- Term.** office for the term of four years, and until his successor is appointed and qualified; and all persons thereafter appointed judge of said court, shall hold his office for the term of four years, unless appointed to fill an unexpired term. Before entering upon the duties of his office, he shall take the oath required of all
- Oath of office.** civil officers, and in addition, the following to-wit: I swear that I will administer justice without respect to persons, and to do equal rights to the rich and to the poor, and that I will faithfully and impartially discharge, and perform all the duties incumbent upon me as judge of the county court of Early county, according to the best of my ability and understanding, and agreeable to the laws and Constitution of this State, and the Constitution of the United States. So help me God.
- Solicitor.** SECTION V. Be it further enacted by the authority aforesaid, That immediately after the passage of this Act the Governor of this State, by and with the advice and consent of the Senate, shall appoint and commission some practicing attorney, who is a citizen of said county, solicitor for said court, to be styled solicitor of the county court, and who shall, before entering upon the duties of his office, besides the oath required of all civil officers, take in addition the following, viz.: "I do swear that I will faithfully and impartially, and without fear, favor or affection, discharge my duties as county solicitor, and will take only my lawful fees of office; so help me God." His term of office shall be
- Oath of office.**
- Term.** for four years, unless when appointed to fill an unexpired term, and said county solicitor shall be liable to all the penalties fixed
- Penalties.** by law for the Solicitor General of said State, for the failure to perform their official duties or for malpractice in office.

Jury trial. SEC. VI. Be it further enacted by authority aforesaid, There shall be no jury trial in said court, except as heretofore provided in Criminal Code.

SEC. VII. Be it further enacted by authority aforesaid, That all laws and parts of laws in conflict with this be, and the same are hereby repealed.

Approved September 21, 1887.

COUNTY JUDGE OF CALHOUN COUNTY.

No. 256.

An Act to amend paragraph 30, section I. of an Act, approved March the 2nd, 1874, entitled an Act to organize a county court in each of the counties of Calhoun, Baker, Quitman and Miller; to define their jurisdiction, and for other purposes, so far as the said Act relates to the appointment of a county judge for the county of Calhoun, requiring the Governor to commission the judge elected by the grand jury.

SECTION I. Be it enacted by General Assembly of the State of Georgia, That from and after the passage of this Act, the above-recited Act shall be amended by inserting in the first section of said Act, in the fourth line thereof, after the word judges, the following words, to-wit: "And who, for the county of Calhoun, shall be elected by the grand jury of said county, and commissioned by the Governor;" that said Act and section be further amended by inserting in the fourth line thereof, after the word "who," the following words, to-wit: "For the counties of Baker, Quitman and Miller," so that said section when amended will read: That a court shall be established in each of the counties of Calhoun, Baker, Quitman and Miller, in said State, to be called the county court, the judges of which shall be entitled the county judges, and who for the county of Calhoun shall be elected by the grand jury of said county and commissioned by the Governor, and who for the counties of Baker, Quitman and Miller shall be commissioned and appointed by the Governor, and take the oath of office prescribed for the judges of the Superior Courts.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 1, 1887.

ESTABLISHING CITY COURT OF NEWNAN.

No. 282.

An Act to establish the City Court of Newnan; to define its jurisdiction and powers; to provide for the appointment of a Judge and other officers thereof; to define their powers and duties, and for other purposes.

Jurisdiction.

SECTION I. It is hereby enacted by the General Assembly of Georgia, That the City Court of Newnan is hereby established and created with original, civil and criminal jurisdiction over the whole county of Coweta, concurrent with the Superior Court; to try and dispose of all civil cases of whatsoever nature wherein the amount claimed or involved, inclusive of interest, is as much as fifty dollars, except those of which the Constitution of this State has given the Superior Court exclusive jurisdiction, and with criminal jurisdiction to try and dispose of all offences below the grade of felony committed in the county of Coweta; that the jurisdiction herein conferred shall include not only the ordinary suits by petition and process, but also all other kinds of suits and proceedings which now or hereafter may be in use in the Superior Courts, either under the common law or by statute, including among others attachment and garnishment proceedings, illegalities, counter-affidavits to any proceeding from said court, statutory awards, proceedings against intruders and tenants holding over, partition of personality, issues upon distress warrants, foreclosures of all liens and mortgages and *quo warranto*.

Appeal and certiorari.

SEC. II. It is further enacted, That said City Court shall have concurrent jurisdiction with the Superior Court of all appeals and *certioraris* from all inferior courts in said county, except the Court of Ordinary, said appeals and *certioraris* to be had under the same rules governing such remedies in the Superior Court. The City Judge is hereby given authority to sanction petitions for *certiorari* returnable to said City Court. The writs of *certiorari* shall be issued in five days after filing the petition and sanction and made returnable to the first monthly term after twenty-five days from the date of said writ. As to everything else about *certioraris* the same rules apply as in Superior Court. Appeals shall be returned to the monthly terms and stand for trial at the first term after ten days from the time of entering the appeal.

Judge.

SEC. III. It is further enacted by the authority aforesaid, That there shall be a judge of said City Court of Newnan, who shall be appointed by the Governor, by and with the advice and consent

Establishing City Court of Newnan.

of the Senate, whose term of office shall be four years; and all vacancies in the office of judge shall be filled by appointment of the Governor for the residue of the unexpired term, such appointment being subject to the approval of the Senate which may be then in session; or, if the Senate be not in session at the time of such appointment, then subject to the approval of the Senate at its next session thereafter; *Provided*, that the term of the judge first appointed shall expire on the 21st day of March, 1890.

SEC. IV. Be it further enacted by the authority aforesaid, That no one shall be eligible to the office of said judge unless he be, at the time of his qualification, at least twenty-five years of age, a resident of Coweta county for four years immediately preceding the appointment, and must have practiced law four years. He shall before entering upon the duties of his office take and subscribe the following oath: "I solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and rich, and that I will faithfully and impartially perform and discharge all the duties which may be required of me as Judge of the City Court of Newnan, of this State, according to the best of my ability and understanding, agreeably to the laws and Constitution of this State, and the Constitution of the United States; so help me God;" which oath shall be filed in the Executive Department.

SEC. V. Be it further enacted, That said judge shall have authority to issue, hear and determine criminal warrants, peace warrants, search warrants, possessory warrants, writs of *habeas corpus* in cases not capital, *quo warranto*, rules against officers of said city court and constables' warrants to dispossess tenants holding over and intruders, attachments and garnishments, including power to order attachments against fraudulent debtors. He shall have power anywhere in the State to attest deeds, mortgages, bonds, conditional sales and other documents required or permitted to be attested officially, and to administer oaths in all cases where the law does not especially provide for such attestation or oath, to be done by or made before some other particular officer, and generally to do any and all acts and to exercise all the jurisdiction which now or hereafter may be done or exercised by judges of the superior courts, except to admit to bail in capital cases or perform the duties of chancellor; and also to do all acts and exercise all special jurisdiction which may be done or exercised by judges of the county courts; that the city judge shall have authority to dispose, under sections 4310 and 4814 of the Code, of persons convicted of misdemeanors in the said city court, and

Establishing City Court of Newnan.

the money, if any, arising from such disposition shall be disposed of as fines and forfeitures in said court.

Trial of civil cases. SEC. VI. Be it further enacted, That the judge of said city court shall have the power and authority to hear and determine all civil causes of which the said court has jurisdiction, and to give judgment and execution therein; *Provided always*, that either party in any cause shall be entitled to a trial by jury in said court upon entering a demand therefor by himself or his attorney in writing on or before the call of the docket, the first day of the term of said court at the term to which the cause is returnable, in all cases where such party is entitled to a trial by jury under the Constitution and laws of this State. All jury cases shall be tried at quarterly terms.

Disqualification. SEC. VII. Be it further enacted, That whenever the judge of said city court is from any cause disqualified from presiding, and the judge of the superior court cannot from any cause preside in said court as provided for in the Constitution, then, upon consent of the parties or upon their failure or refusal to agree, said cause shall be tried by a judge *pro hac vice*, selected in the same manner as now provided for in the Superior Court.

Salary. SEC. VIII. Be it further enacted by the authority aforesaid, That the Judge of said city court shall receive a salary of not less than one thousand dollars and not more than fifteen hundred dollars per year, to be paid quarterly out of the treasury of Coweta county; such salary to be fixed by the commissioners of roads and revenue of said county at the commencement of the term of each city Judge and not be changed during his term. He shall receive no fees or perquisites except for attesting instruments for registry and for affidavits in matters not connected with his court; for which services he may charge the same fees as are allowed Justices of the Peace.

Solicitor. SEC. IX. Be it further enacted, That there shall be a Solicitor of said city court appointed and confirmed and with term of office, similar to the Judge of said court, with like proviso as to expiration of first term on the 21st day of March, 1890. In the absence or disqualification of said Solicitor, the city Judge may appoint a Solicitor *pro tem*. The said Solicitor shall not appear against the State in any criminal case in any court except a felony case after indictment. When a criminal case goes to the Supreme Court, the Solicitor who represented the State on the trial in the city court, shall represent the same in the Supreme Court.

Fees. SEC. X. Be it further enacted, That the said Solicitor of the city court or solicitor *pro tem* shall receive the following fees: For every case prosecuted to trial or plea of guilty that originates by accusation in the city court \$10 00. For every indictment prosecuted to trial or plea of guilty \$5.00. For every case for a viola-

Establishing City Court of Newnan.

tion of the gambling laws of this State \$25.00; for representing the State in each case carried to the Superior Court \$15.00. For all services for which this Act does not provide, he shall receive the same fees as are now or hereafter may be allowed by law to Solicitors General for similar services in the Superior Court. For representing the tax collector in rules against collecting officers in city court such compensation as the city court may by order in such cases allow. For drawing attachment against defaulting witness in criminal cases, and prosecuting case \$1.00. Insolvent costs to be paid out of fines and forfeitures as hereinafter provided.

SEC. XI. Be it further enacted, That the Solicitor of said city court shall for his services in the Supreme Court, be paid out of the treasury of the State by warrant drawn by the Governor upon certificate of the clerk of the Supreme Court as to the performance of the services, and the certificate of the clerk of the city court of the insolvency or acquittal of the defendant. Services in Supreme Court.

SEC. XII. Be it further enacted, That the clerk of the Superior Court of Coweta county, for the time being, shall be *ex officio* clerk of the city court, and as such, before entering on the duties of the office, shall give a bond and good security in the sum of five hundred dollars, to be approved by the commissioners of roads and revenue of said county, and shall take and subscribe an oath to faithfully and impartially perform the duties of his office; which bond and oath shall be recorded in the clerk's office of said city court. All the duties and liabilities attached to the clerk of the Superior Court shall be attached to the clerk of the city court. After the next election the clerks of the Superior Court of said county shall include the duties of both offices in the same bond. The amount of which remaining the same as formerly given by clerks of Superior Court. Clerk.

SEC. XIII. Be it further enacted, That the sheriff of Coweta county, for the time being, and his deputies shall serve all writs and processes from said court and shall be liable to rule in said court under the same rules as in the Superior Court. Where the sheriff in writing, on a writ or process, authorizes its service by any constable of said county, such constable shall be considered *pro hac vice* deputy sheriff, and his acts as to such service and return as to same shall be considered valid and binding, without such person giving bond; and the sheriff shall be liable for his acts and defaults as such deputy. When from any cause neither the sheriff nor any of his deputies can be had in a case of emergency, the judge of said city court may appoint any constable, or other person, to execute any process of the court; and such person so appointed shall not be required to give bond, but must take an oath to perform the duties of his office. Sheriff.

SEC. XIV. Be it further enacted, That in said city court the same rules of procedure, service, pleadings and practice shall Procedure etc.

Establishing City Court of Newnan.

govern as for the time being, obtain in the Superior Court, except as otherwise provided in this act; and whenever, and in all cases, where the rules of the superior courts cannot be made applicable on account of the difference in the constitution of said courts, then the city judge may make and promulgate rules to cover such cases, publication of the same to be paid for by the county. Suits for not over one hundred dollars and attorney's fees, principal and all issues and proceedings, where not over one hundred dollars in value is involved, may be returnable to the monthly sessions of said court and stand for trial at the first term. All other causes and proceedings must be brought to the quarterly terms, and stand for trial at the first or second term as similar causes would be tried in the Superior Court.

**Commis-
sioners to
take testi-
mony.** SEC. XV. Be it further enacted, That the city judge shall appoint one or more commissioners to take testimony in cases pending in said court, and that all the provisions of sections 3893 to and including 3900 of the Code of 1882 shall apply to said county of Coweta, as to cases in the city court of Newnan, except that the city judge shall appoint the commissioners, and no case shall be continued in said court more than once for the absence of a witness, unless it be shown to the satisfaction of the judge that there are special exceptional reasons why the personal presence of the witness is necessary to the parties' case.

**Continuan-
ces.** SEC. XVI. Be it further enacted, That when a case is called in the city court, and the parties are not ready for trial, the court shall ascertain if a trial can likely be had during the term. If there is a probability of procuring a trial during the term, such case shall be passed and not continued until it is ascertained that a trial cannot be had that term. In all cases, civil or criminal, where a case is passed or continued for absence of a witness, the court of its own motion must order attachments for such defaulting witnesses, which attachments must be executed at once, and may be heard by the judge either in term or vacation.

**Passing
cases.** SEC. XVII. Be it further enacted, That the general laws of this State, with regard to commencement of suits in the Superior Courts, defences, sets-off, affidavits of illegality, arbitration, examinations of parties to suits or witnesses by interrogatories or under subpoena, including testimony *de bene esse*, witnesses and their attendance, continuances, or other matters of a judicial nature within the jurisdiction of said city court, shall be applicable to said court. It shall be competent to make additional parties in suits or proceedings in city court where it is necessary to determine the rights of interested persons, without reference to who are the original parties or what the nature of the proceeding. Parties may make defences on all grounds, whether legal or equitable.

**Defaulting
witnesses.**

**General
laws as to
proceed-
ure, etc.,
made ap-
plicable.**

**New par-
ties.**

Establishing City Court of Newnan.

SEC. XVIII. Be it further enacted, That the terms of said ^{Terms.} court shall be monthly and quarterly, the monthly terms to be on the third Monday in each month, and the quarterly terms to be on the third Monday's in January, April, July and October; *Provided*, that the city judge may, from time to time change the times of holding said court; such change to be advertised one time in the newspaper, where the sheriff's sales are published; such terms to be as near equidistant as convenience will admit. The terms of such court shall last until the business is disposed of; and the judge may set cases for trial at convenient times, and the same may then be tried as of the term, whether court has been held from day to day until said time or not.

SEC. XIX. Be it further enacted, That all judgments obtained ^{Lien of judge-ments.} in said court shall be a lien on all property of the defendants throughout the State in the same manner as judgments of the Superior Courts are executions from said court shall run ^{Execu-tions.} throughout the State, and be directed as Superior Court execution.

SEC. XX. Be it further enacted, That garnishments in suits, ^{Garnish-ments.} in or on judgments obtained in any court of any other county than Coweta county, where the garnishee resides in Coweta county, may be returnable to the city court, except in suits and judgments in justice's courts, not involving as much as fifty dollars principal and interest. Tax collectors may make their garnishments returnable to the monthly terms of the city court, regardless of the amount involved; and in all such cases, the solicitor of the city court shall represent the State and county.

SEC. XXI. Be it further enacted, That the city judge may ^{Summary jurisdiction, etc.} exercise a summary jurisdiction by rule in cases where the same is applicable, and may hear and determine all disputes between landlord and tenant, landlord and cropper or master and servant arising out of such relations, being authorized to so mould his orders and judgments as to do complete justice, and to enforce the same by execution or attachment under the rules applicable to Superior Courts. In the discretion of such judge he may submit either the whole case or any question or questions of fact therein to a jury at any term of said court without regard to value involved. Said judge shall have also same authority over court contracts as county judges.

SEC. XXII. Be it further enacted, That distress warrants for ^{Distress warrants.} not under fifty dollars of principal and interest may be returnable to said city court.

SEC. XXIII. Be it further enacted, That *scire facias* to make ^{Scire faci-as.} parties and revive judgments may be had as in the Superior Court, such process running throughout the State.

Establishing City Court of Newman.

Service of court to be served in any other county than Coweta shall be served by the same officers of the county of service as may serve Superior Court process, and parties out of the State may be served as in the Superior Court.

Suits against joint obligors, etc. SEC. XXV. Be it further enacted, That all suits against joint obligors, joint promissors, copartners or joint trespassers, in which any one or more resides in the county of Coweta, may be brought in said court within its jurisdiction, as already stated, under the same rules and regulations governing such cases in the Superior Courts, *mutatis mutandis* as to copies, second originals, returns and other matters connected with the suit.

Records, minutes, etc. SEC. XXVI. Be it further enacted, That said city court shall be a court of record, with a seal, and the minutes, records, dockets and files that are required to be kept in the Superior Court shall be kept in and for said city court and in the same manner, and all laws applicable to the duties of the clerk and sheriff in said Superior Court shall apply to them in the city court except where they conflict with the provisions of this Act.

Enforcement of judgments, etc. SEC. XXVII. Be it further enacted, That all laws regulating the enforcing of judgments of the Superior Court, whether civil or criminal, shall apply to said city court, and executions shall issue and be levied, and sales be had thereunder under the same rules and laws regulating the same in the Superior Court.

Contempts, etc. SEC. XXVIII. Be it further enacted, That the judge of said city court shall have the same power to enforce his orders to preserve order, to punish for contempt and to enforce all his judgments, as is vested by law in the judges of the Superior Courts of this State.

Juries. SEC. XXIX. Be it further enacted, That it shall be the duty of the clerk of said city court to prepare and file in his office a complete copy of the traverse jury list of the Superior Court of Coweta county, as provided, from time to time, for such Superior Court. From said copy so made, traverse jurors shall be drawn in the following manner: The clerk shall write upon separate tickets the names of each traverse juror, and shall place the same in a box prepared for that purpose, from which shall be drawn all traverse jurors, as now required by law in the Superior Courts. All laws with reference to procuring traverse juries in the Superior Courts shall apply to juries in the city court. All persons, for the time being, on the Superior Court grand jury list, shall be as competent and compellable to serve as tales jurors in the city court, as on the grand jury. All laws with reference to the qualifications, relations, empanelling, fining and challenging jurors, now or hereafter of force in the Superior

Establishing City Court of Newnan.

Court, shall apply to and be observed in said city court when not inconsistent with this Act.

SEC. XXX. Be it further enacted, That eighteen jurors shall be drawn and summoned, and fifteen empanelled. In civil cases each side shall strike four, and in criminal cases the defendant shall strike five and the State three; seven shall constitute a jury. If either party, plaintiff or defendant, declines to waive trial by a jury of twelve, the other side shall strike three from the panel of fifteen, and the party claiming a jury of twelve shall not be allowed a strike, and in case both sides demand a jury of twelve the plaintiff shall have two strikes and the defendant one. After a party has made one strike he shall be held to have waived trial by a jury of twelve and consented to a jury of seven.

SEC. XXXI. Be it further enacted, That the sheriff may, with the consent of the judge, procure the assistance of not over two constables as bailiffs at any term of the court if the same are necessary.

SEC. XXXII. Be it further enacted, That the jurors and bailiffs shall be paid out of the county treasury, the same *per diem* as such are for the time being paid in the Superior Court, on the certificate of the clerk of the city court as to their attendance. And city court jury script shall stand on the same footing in every respect as Superior Court jury scrip.

SEC. XXXIII. Be it further enacted, That incidental expenses of the city court shall be paid in the same manner as such expenses of the Superior Court are paid.

SEC. XXXIV. Be it further enacted, That witnesses in civil and criminal cases in the city court shall receive the same pay, from the same source and in the same manner, as witnesses in the Superior Court.

SEC. XXXV. Be it further enacted, That the defendants in criminal cases in said city court may be tried on a written information, signed and filed by the prosecuting officer of the city court, setting forth the offence charged plainly and distinctly, as in an indictment; such information to be founded on an affidavit made by the prosecutor. But the affidavit need not be fuller than now required, in order to procure warrants from magistrates. The information shall charge the defendant with the same transaction alluded to in the affidavit, but may vary the same and charge as many different offences in as many counts, as the nature of the particular transaction prosecuted may authorize. It will be sufficient to uphold an information if the same is sworn to by the prosecutor. The information need not allude to the affidavit on which it is founded, except to give the date, the affiant, and the officer before whom it was made. Such in-

formation may be amended under the same rules as county court accusations under the general county court law.

SEC. XXXVI. Be it further enacted, That before the arraignment the judge shall inquire of defendant whether he demands an indictment, and the response of defendant shall be endorsed on the information and signed by the prosecuting officer of the court. If the defendant demands indictment, the City Judge shall hold him to bail for his appearance at the Superior Court to answer such indictment as the grand jury may find against him touching said transaction, of which he is accused; and in the event of his failure to give bail, shall commit him to await the action of the grand jury. In all cases where indictment has been transferred to said City Court, or the defendant waives indictment, the judge of said court shall inquire of him whether he demands a trial by jury, and the response of the defendant shall be endorsed on the indictment or information, and signed by the prosecuting officer of the court. If the defendant does not demand a jury trial, the judge shall try said cause without a jury as soon as may be, giving both sides reasonable time to procure attendance of witnesses. If the defendant demands a trial by jury, the judge shall order the case set for trial at a regular quarterly term, the defendant being entitled to bail in the meantime; *Provided*, that the said City Judge, nor the said City Court shall have no jurisdiction or authority to hear and determine on information any case as a misdemeanor where the transaction in question amounts to a felony, and shall have no authority to carve out of a felony a misdemeanor and dispose of the same. But wherein an investigation of a case on information, the same appears to be a felony, the trial shall be suspended and the defendant held to bail as in commitment trials before magistrates.

SEC. XXXVII. Be it further enacted, That the Judge of the Superior Court may send down from the Superior Court of Coweta county any or all presentments and bill of indictment for misdemeanors to said City Court for trial; the order so transmitting such cases to be entered on the minutes of both courts. All bail and bonds returnable to the Superior Court to abide the action of the grand jury, shall follow such case to the City Court when transferred, and the defendant shall in such case be bound to appear in such City Court at its first monthly sitting after such bill is found.

SEC. XXXVIII. Be it further enacted, That it shall be the duty of all committing magistrates of said county, when they hold defendants to bail for misdemeanor or to ask them if they demand indictment by the grand jury. If they demand indictment, then the bond or commitment shall be to await the action of the

Demand
for indict-
ment, etc.

For trial
by jury,
etc.

Felonies.

Transfer of
criminal
cases from
Superior
Court.

Commit-
ments.
bail, etc.

Establishing City Court of Newnan.

grand jury; but if no indictment is then demanded the magistrate thereupon shall bail or commit the defendant for trial in the City Court, the bond being for the appearance of the defendant instant; and in case such bond is given the defendant shall appear the next judicial day at ten o'clock before the City Judge, at which time said case may be set for trial and the defendant shall appear under said bond from time to time as required until said case is finally disposed of in said court.

SEC. XXXIX. Be it further enacted, That a writ of error shall be direct from the said City Court to the Supreme Court upon a bill of exceptions certified ten days from the adjournment of the court, under the same rules and regulations as govern the issue of writs of error and filing bills of exception in the Superior Courts of this State; *Provided*, that in civil cases not over one hundred dollars of principal, the writ of error or bill of exceptions shall be returned to the Superior Court and shall stand for trial therein at the next sitting, regular or adjourned term; and in such case the clerk of the City Court shall send up to said Superior Court the original papers in said case. Either party being dissatisfied with the judgment of the Superior Court may go by writ of error to the Supreme Court, in which case a copy of the record must be sent to the Supreme Court. The Clerk of the Superior Court shall not record the papers sent up from the City Court by writ of error, but shall return them to the City Court after they are finally disposed of in the Superior Court. When the writ of error to the Superior Court is decided, the case must be sent back to the City Court with directions.

Writ of error to Supreme Court.

To Superior Court.

SEC. XL. Be it further enacted, That the Judge of said City Court shall have power to grant a new trial in any case, civil or criminal, in his court upon the same terms and conditions and under the same laws and regulations in every respect governing the granting of new trials in the Superior Court, all rules of pleading, practice and procedure governing motions, *rules nisi* and other proceedings in new trials in the Superior Court shall apply to and govern the same in said City Court.

New trials, etc

SEC. XLI. Be it further enacted, That all cases, civil and criminal, now pending and undisposed of in the County Court of Coweta county, shall be, and are hereby transferred to said City Court, to be there placed upon the proper dockets, and tried and disposed of as other cases in said city court. All final and other process now in the hands of any officer, which are made returnable to said county court, are hereby made returnable to said City Court; and all witnesses already served with subpoenas, returnable to said county court, shall attend the city court, by virtue thereof. All persons under bail bond, by which they are

Transfer of civil and criminal cases, etc., from County Court.

Establishing City Court of Newnan.

bound to appear at said county court, shall by virtue thereof be bound to appear at said city court at the first monthly term thereof and thereafter as required. The judge and other officers of said City Court shall have power and authority to issue and enforce in the name of said City Court any and all processes in any case from said county court necessary to the final disposition of the same, which from any cause have not been issued and enforced by the officers of the county court. All records, books and papers disposed of and of file in said county court, shall be filed and deposited with the Clerk of said City Court; that all *fi fas* and final processes not satisfied, now in the hands of the Bailiff of said county court, shall be levied and enforced by the Sheriff of Coweta or other proper officer, and return thereof made to said City Court, and said city court shall have jurisdiction to hear and determine all such suits or other matters in litigation so transferred from said county court, although the amount in controversy may be below the ordinary jurisdiction of said city court, elsewhere herein conferred; and said City Court shall also have jurisdiction to hear and determine all issues, claims, illegalities, rules, garnishments or other litigation arising out of any judgment already rendered in said county court, without regard to amount.

Location
of court.

SEC. XLII. Be it further enacted, That said City Court shall be held at the court-house in Newnan. But when both parties in any case shall agree at the first term to try the same at Senoia or Grantville, and the same is to be tried by the Judge without the intervention of a jury, the same shall be there tried if the Judge so orders at some time appointed by the Judge at the time said agreement is made; *Provided*, that if said cause is not tried at such place at the time appointed, it shall be tried in Newnan at the regular place.

Fees of
clerk.

SEC. XLIII. Be it further enacted by the authority aforesaid, That the fees of the clerk of said City Court shall be the same as those by the clerk of the Superior Court for similar services not including per diem; *Provided, however*, that in plain suits brought to the monthly terms his fees shall be as follows:

Filing declaration and docketing case, 25 cents; issuing writ and making copy, 50 cents; for each additional copy, 25 cents; each subpoena, 15 cents; each commission to take testimony, 50 cents; recording judgment and proceedings, 25 cents; each claim case, \$2.00; issuing and docketing *fi. fa.*, 50 cents. He shall also receive the following fees: For filing bill of exceptions to Superior Court and sending up original papers, \$1.00; for foreclosing a lien returnable to monthly term and recording, \$1.00; for docketing, filing and recording proceedings in possessory

warrant case, \$2.00; for taking and filing bond in possessory warrant case, \$1.00; for docketing and filing search warrants and proceedings thereon, \$1.00; docketing distress warrants or other execution not already provided for, 25 cents; for other service required of him by order of the Judge or rule of court, such compensation as the city Judge may fix or allow by standing order entered on the minutes; for each criminal case tried on information, \$6.00; for attending each session of the court not to exceed twelve days per year a per diem of \$2.00.

SEC. XLIV. Be it further enacted, That the sheriff's fees for Sheriff. service of papers in the City Court shall be the same as for similar service in the Superior Court, except that for serving any writ or execution in a case brought to a monthly term, except subpoenas and garnishments, \$1.00, for each copy served or for each levy; for serving garnishments or subpoenas in such cases, 50 cents for each garnishee. But in cases arising under section 21, between landlord and tenants and croppers, and masters and servants, the sheriff shall charge as for similar services in the Superior Court. For attending sessions of the City Court, \$2.00 per day, not to exceed twelve days per year. For going out of Coweta county by order of the city Judge after a defendant charged with misdemeanor, necessary expenses, including jail and arresting fees paid to officers of other counties, such expenses to be paid out of the county treasury on the certificate of the city Judge and by order of the county commissioners. For any other service not provided for, the city Judge, by order entered on his minutes, may fix the amount of compensation.

SEC. XLV. Be it further enacted, That at each monthly term the judge shall distribute the money arising in said City Court from fines and forfeitures and convict hire among the several officers entitled thereto, justices of the peace and constables being considered officers of said court for the purpose of sharing in any fines and forfeitures and chain-gang money so far as their costs in misdemeanor cases in committing courts are concerned. The solicitor-general and clerk of the Superior Court are officers of said City Court so far as costs in transferred cases are concerned. Said money shall be distributed as follows: all bills for insolvent costs due the solicitor general, the solicitor of the City Court, the sheriff, the clerk of the Superior Court and the clerk of the City Court in cases disposed of in the City Court and committing magistrates and constables in cases of misdemeanor before such magistrates shall be approved by the city judge and entered on the minutes of said City Court and shall be a lien on all such money arising in said court and shall be paid *pro rata*: 1st, to the costs in the criminal case which is the foundation of the

Distribu-
tion of
fines and
forfeitures.

proceeding from which the money arises; 2d, to officers of said court for the time being in office at the time the money is brought into court on their bills for insolvent costs; 3d, to officers out of office on their bills for insolvent costs; 4th, to the county treasurer of Coweta county, the surplus to be by him placed to the credit of the fine and forfeiture fund of said county, and distributed as now provided by law. The clerk shall keep a book in which he shall open an account with each officer entitled to share in said funds, giving him credit for all bills of insolvent costs approved by the Judge as aforesaid, and debiting him with all payments; all orders distributing such money must be entered on the minutes; until distribution is made, the said funds are considered in the hands of the court. The clerk shall keep also a fine and forfeiture account on the debit side of which he shall place all sums, including costs, in the particular case coming into court, giving date, amount and from what source arising; and on the credit side he shall place the several sums ordered by the court to be paid to each individual, stating on what order it is to be paid. When the payment is actually made, the same is to be charged to the individual account of the person to whom it is paid as aforesaid; and a credit entered on the proper order. The clerk shall have a receipt book in which he shall take proper vouchers for all payments made under each section. The clerk is the custodian of all such money and must disburse the same by order as aforesaid. Said book is subject to inspection by interested parties at all times during office hours. The judge in making distribution as aforesaid, must ascertain the names of all parties having orders, and distribute in accordance therewith, whether such order-holders are represented before him or not, taking particular care that justices of the peace and constables are not overlooked. Any person appropriating any of such money without an order as herein prescribed shall be liable to be dismissed from office; and to pay any other person having an order the whole of such orders as such person may have who makes a motion for the same, such liability to be enforced in a summary manner by rule. After March 21st, 1890, one-third of the money received from fines imposed on defendants convicted on indictment or from hire of convicts, convicted on bills of indictment shall be paid to the solicitor general of the Coweta circuit then in office if there be costs due him on his insolvent cost bill in the Superior Court of Coweta county.

Procure-
ment of
books,
seal, etc.

SEC. XLVI. Be it further enacted, That the commissioners of roads and revenue of Coweta county shall procure the necessary books, also a seal for said City Court, and shall make provision for keeping the files. The clerk's office of the superior court shall be the office of the clerk of the City Court.

SEC. XLVII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 5 1897

Officers of County Court of Terrell County.—Amending Act Establishing City Court of Macon.

OFFICERS OF COUNTY COURT OF TERRELL COUNTY.

No. 286.

An Act to designate the officers of the county court of Terrell county, to provide for their compensation, and other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the Sheriff and Clerk of the Superior Court of Terrell county shall be *ex officio* officers of the county court, and shall in said court be entitled to the same fees as are now provided in the Superior Court. ^{Sheriff and clerk.}

SEC. II. Be it further enacted, That the Solicitor-General of the Pataula circuit shall be Solicitor of said county court so long as he may be a resident of Terrell County, and shall be entitled to the same fees in said court as the Solicitor-General is now allowed by law. ^{Solicitor.}

SEC. III. Be it further enacted, That all fines and forfeitures arising in said county court shall first be applied to the payment of the insolvent costs of the said Solicitor, Clerk and Sheriff in the county court; and after the payment of said insolvent costs should a surplus remain in the hands of said officers the same shall be applied to the payment of the insolvent costs of the Solicitor-General, Clerk and Sheriff of the Superior Court. ^{Fines and forfeitures.}

SEC. IV. Be it further enacted, That all laws in conflict with this Act are hereby repealed.

Approved October 5th, 1887.

AMENDING ACT ESTABLISHING CITY COURT OF MACON.

No. 355.

An Act to amend an Act entitled "An Act to establish the city court of Macon, in and for the county of Bibb; to define its jurisdiction and powers; to provide for the appointment of a Judge and other officers thereof, and for other purposes."

SECTION I. Be it enacted By the General Assembly of the State of Georgia, and it is hereby enacted by authority of same, That section forty-three (43) of the Act approved August 14th, 1885, entitled "An Act to establish the city court of Macon, in and for the county of Bibb; to define its jurisdiction ^{Sec. 43 amended.}

Amending Act Establishing City Court of Macon

Payment
of compen-
sation of
clerk and
sheriff.

and powers; to provide for the appointment of a Judge, and other officers thereof, and for other purposes," be amended by inserting after the words "be paid out of the treasury of Bibb county," in the twenty-second line of said section the words "and such compensation or extra compensation as the judge of said court, in his discretion, may allow the clerk and sheriff of said court, shall, on the approval and order of said judge, be paid out of the treasury of Bibb county," so that said section, when amended, shall read as follows :

Section as
amended.

SEC. XLIII. Be it further enacted, That on the first Monday of each month, or on any day previous to each first Monday he may deem proper so to do, the judge of said court shall distribute the fines and forfeitures arising from cases tried in said court. said fines and forfeitures shall be distributed as follows : All bills for insolvent costs due the Solicitor-General, the sheriff and clerk shall be approved by the Judge of said court, and entered upon the minutes thereof, and shall be a lien upon all the fines and forfeitures raised in said city court superior to all other claims for insolvent costs, and when the Judge distributes such fines and forfeitures, he shall pay the same to the Solicitor-General, the sheriff and clerk *pro rata*, and when said bills of insolvent costs of the Solicitor-General, Sheriff and Clerk, are fully paid, the Judge shall order the surplus paid to the person who, by law, acts as the treasurer of Bibb county, which surplus shall be by him placed to the credit of the fine and forfeiture fund of said county, and distributed as now provided by law. In the event that the insolvent cost bills of the Clerk and Sheriff are not fully paid when such distribution is so made, then said bills shall be credited with the amount appropriated by the order of the Judge, and the balance due such sheriff and clerk shall be paid out of the treasury of Bibb county; and such compensation or extra compensation as the Judge of said court, in his discretion may allow the clerk and sheriff of said court, shall on the approval and order of said Judge be paid out of the treasury of Bibb county. In cases tried in said city court which have been transferred from the superior court, the Solicitor-General and Clerk of the Superior Court and Sheriff shall have the right to share *pro rata* in all fines and forfeitures arising from said transferred cases before any surplus is paid into the county treasury; *Provided*, however, that in all cases in which the justices of the peace or notary public and *ex officio* justices of the peace, have bound over any offender to said court or to the superior court, and the case is afterwards transferred to said city court, the justice of the peace or notary public and *ex-officio* justice of the peace so binding over, shall be entitled to share as to his costs in the particular case with the sheriff, clerk

Fees, etc., of Judge and Solicitor of Co. Court of Walton Co.—Abolishing Co. Court of Coweta Co.

and solicitor-general, upon the same terms in any fine or forfeiture that may arise therefrom.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Approved October 20, 1887.

FEES, ETC., OF JUDGE AND SOLICITOR OF COUNTY COURT
OF WALTON COUNTY.

No. 448.

An Act to regulate the fees of the solicitor of the county court of Walton county, and the costs of the judge of said court in certain cases.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, the fees of solicitor of the county court of Walton county shall be five dollars in all cases convicted by him, and in cases not convicted, he shall not be entitled to any compensation whatever. ^{Fees of solicitor.}

SEC. II. Be it further enacted by the authority of the same, That the fees of the county court judge of said county shall be five dollars for each criminal case tried, and for cases not tried but settled without trial, three dollars each. ^{Fees of judge.}

SEC. III. Be it further enacted by the same, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

ABOLISHING COUNTY COURT OF COWETA COUNTY.

No. 459.

An Act to abolish the county court of Coweta; to provide for the disposition of the business pending therein, and the court papers, and for other purposes.

SECTION I. Be it enacted, That the county court of Coweta County, together with the offices of Judge, Solicitor and bailiff thereof, be, and they are hereby abolished. ^{court abolished.}

SEC. II. Be it further enacted, That all cases, civil and criminal, now pending in said court and undisposed of, shall be and ^{Disposition of business.}

Amending Act Establishing City Court in Bartow County.

are hereby transferred to the city court of Newnan, to be there placed upon the proper dockets and tried and disposed of as other cases in said city court. All final and other process now in the hands of any officer which are made returnable to said county court are hereby made returnable to said city court; and all witnesses already served with subpoenas returnable to said county court, shall attend the said city court by virtue thereof. All persons under bail bond, by which they are bound to appear at said county court, shall by virtue thereof be bound to appear at said city court, at the first monthly term thereof and thereafter as required by said court. All records, books, and papers disposed of and on file in said county court and the seal thereof, shall be filed and deposited with the clerk of said city court. All *fi. fas.* and final processes of said county court not satisfied, shall be levied and enforced by the sheriff or other proper officer, and return thereof made to said city court.

SEC. III. Be it further enacted, That all laws in conflict with this Act be, and they are hereby repealed.

Approved October 24, 1887.

AMENDING ACT ESTABLISHING CITY COURT IN BARTOW COUNTY.

No. 486.

An Act to amend An Act entitled "an Act to establish a City Court in the county of Bartow, and for other purposes," approved October 10th, 1885, so as to prohibit the bringing of suits in said City Court, which fall within the jurisdiction of justice courts, and for other purposes.

First section amended. SECTION I. Be it enacted by the General Assembly of Georgia, That the above recited Act establishing a City Court in the county of Bartow, approved October 10th, 1885, be and the same is hereby amended, by striking out of the first section thereof the following words: beginning with word "when" in the ninth line, and ending with the word "court" in the thirteenth line, to-wit: When the amount or value of the property claimed

Costs. is less than one hundred dollars, the plaintiff shall not recover against the defendant more costs than he could have recovered had the proceeding been instituted in a justice court, and inserting in lieu thereof, the following words: No suit shall be brought in

Jurisdiction. said City Court which falls within the jurisdiction of justice courts, so that said section when amended will read as follows:

Section as amended. That a City Court, which shall be a court of record, be, and the same is hereby created and established in the city of Carters-

Amending Act Establishing City Court in Bartow County.

ville, in the county of Bartow, with jurisdiction over the whole of said county, concurrent with the Superior Court, to try and dispose of all civil cases where the principal sum claimed in cases of contract, or the property or damages in cases of torts, does not exceed the sum or value of one thousand dollars, except where exclusive jurisdiction is by law vested in the Superior Court; *Provided*, That no suit shall be brought in said City Court which falls within the jurisdiction of justice's courts; and said jurisdiction shall include not only ordinary suits by petition and process, but also all other kinds of suits, proceedings and remedies now, or which may be at any time, in use in the Superior Court, either under the common law or by virtue of any statute; and all attachments and all issues made by illegality, counter-affidavit or otherwise, in such suit or proceedings, and all statutory awards which are now by law made returnable to the Superior Court of said county, are hereby made returnable to said City Court, when the amount involved is within the limits of its jurisdiction unless the plaintiff in such suit or proceeding or award shall otherwise direct the officer or person whose duty it may be to return the same, and all warrants for the eviction of intruders and tenants holding over, are likewise made returnable to said City Court, regardless of the value of the property involved, unless the plaintiff in such proceeding shall otherwise direct; but said jurisdiction shall not include the granting of writs of certiorari, mandamus, prohibition or *quo warranto*; and said court shall also have jurisdiction of all suits on bonds taken in any suit or proceeding in said court, such as attachments, claims, replevy, and other similar bonds, and to enforce in the usual manner the forfeiture of all bail bonds in criminal cases returnable or transmitted thereto from the Superior Court, although the penalties in such bonds may exceed the sum of one thousand dollars; and any debt or demand may be brought within the jurisdiction of said court; *Provided*, the holder thereof shall, in bringing the suit, remit or release so much of the principal debt or demand, (together with all interest on the amount so remitted), as may be necessary to reduce the principal debt or demand within the limit of said jurisdiction; when the person sought to be garnished in any suit in said court does not reside in the county of Bartow, the summons of garnishment may be made returnable to any court of the county of the garnishee's residence which may have jurisdiction of the same.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

Abolishing County Court of Upson County.—Amending Act Establishing City Court of Floyd County.

ABOLISHING COUNTY COURT OF UPSON COUNTY.

No. 496.

An Act to abolish the county court of Upson county.

Court abolished. SECTION I. Be it enacted by the General Assembly of Georgia, That the county court of Upson county, together with the office of Judge and bailiff thereof, be, and they are hereby abolished.

Disposition of civil cases. SEC. II. Be it further enacted, That all civil cases pending and undetermined in said court, shall be transferred to the Superior Court of Upson county as if by appeal, and tried as other appeal cases.

Criminal cases. SEC. III. Be it further enacted, That all criminal cases pending in said court shall be transferred to the Superior Court of Upson county, and be entered on the criminal docket and be tried as all other criminal cases in said Superior Court.

Dockets, etc. SEC. IV. Be it further enacted, That all dockets, books, papers and records in said county court shall be turned over to the clerk of the Superior court of said county, the same to remain in said clerk's office as part of the records thereof.

Writs, executions, etc. SEC. V. Be it further enacted, That all writs, executions, subpoenas and other papers issued from said county court shall be returnable to the Superior Court, and all parties and witnesses shall be bound to appear at said Superior Court, as though such suits, executions, subpoenas and other writs, accusations and prosecutions had originated in said Superior Court.

SEC. VI Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING ACT ESTABLISHING CITY COURT OF FLOYD COUNTY.

No. 501.

An Act to amend sections 10th and 14th of an Act entitled "An Act to establish a city court in the county of Floyd," approved September 27, 1883, so as to provide for one panel of eighteen jurors in said city court; to provide for the manner of striking juries and for the pay of jurors, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State

Amending Act Establishing City Court of Floyd County.

of Georgia, That section 10th of an Act entitled "An Act to establish a city court in the county of Floyd," approved September 27, 1883, be, and the same is hereby amended by striking out the first nine lines of said section, and the word "strikes" in the tenth line of said section and inserting the following in lieu thereof:

"Sec. X. Be it further enacted, That the jury for the trial of such issues when so demanded, shall be composed of twelve men, and it shall be the duty of the judge of said city court to provide at each regular term thereof one panel of eighteen jurors, from which parties shall strike, each side in civil cases, being entitled to three alternate strikes, and in criminal cases the defendant being entitled to four and the State to two strikes," and that said section 10th be further amended by striking out the word "sixteen" in the eighteenth line of said section, and inserting in lieu thereof the words "twenty-four," and that said section 10th be further amended by striking out the words "two panels" in the twentieth line of said section, and inserting in lieu thereof the word "panel;" and that said section 10th be further amended by striking out all of said section after the word "term" in the twenty-sixth line of said section, and inserting the following in lieu thereof, "and the jurors so empaneled shall receive one dollar and a half (\$1.50) per day for their services for every day of actual attendance, and shall be paid in the same manner and under the same rules and regulations as jurors in the Superior Court of Floyd county, so that said section 10th, when so amended, shall read as follows:

"Section 10th. Be it further enacted, That the jury for the trial of such issues, when so demanded, shall be composed of twelve men, and it shall be the duty of the judge of said city court to provide at each regular term thereof one panel of eighteen jurors from which parties shall strike, each side in civil cases being entitled to three alternate strikes, and in criminal cases the defendant being entitled to four and the State to two strikes. In all other respects the same rules shall govern the trial by jury in said city court as govern such trials in the Superior Courts, so far as applicable. Jurors for the said city court shall be procured in the following manner: The clerk of said court shall take the list of jurors as revised from time to time by the jury commissioners or other proper authority of said county for the Superior Court, including both grand and traverse jurors, and putting their names in a box kept for the purpose, the judge of said city court shall at each regular term draw therefrom by lot, twenty-four names of persons who shall be summoned by the sheriff to serve as jurors at the next term, and out of whom the panel aforesaid shall be made

Amending Act Establishing City Court of Bartow County.

up. The same regulations which prevail in the Superior Court in regard to the care and custody of the jury-box, the summoning of jurors and of talesmen, the competency of jurors, and in regard to juries and jurors in general, shall prevail, also, in said city court, so far as applicable. The sheriff shall be entitled to a fee of two dollars for summoning the jurors for each term, and the jurors so empaneled shall receive one dollar and a half (\$1.50) per day for their services for every day of actual attendance, and shall be paid in the same manner and under the same rules and regulations as jurors in the Superior Court of Floyd county.

Sec. 14 amended. SEC. II. Be it further enacted, That section 14 of said Act, be and the same is hereby amended by adding after the word "cases" in the fourth line of said section, the following: "the defendant being entitled to four and the State to two strikes," so that said section, when so amended shall read as follows:

Strikes in criminal cases. SEC. XIV. Be it further enacted, That juries for the trial of criminal cases shall be composed of the same number of men, and shall be empaneled and stricken in the same manner as herein before provided for the trial of civil cases, the defendant being entitled to four and the State to two strikes.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

AMENDING ACT ESTABLISHING CITY COURT OF BARTOW COUNTY.

No. 511.

An Act to amend an Act entitled an Act to establish a city court in the county of Bartow and for other purposes, approved October 10th, 1885.

Sec. 15 amended. SECTION I. Be it enacted by the Senate and House of Representatives of the State of Georgia and it is hereby enacted by the authority of the same, That the fifteenth (15th) section of the above-recited Act be amended by striking therefrom the following words, to-wit: "Provided the parties to said cases agree that the same be transmitted from the superior to the city court of said county," and inserting in lieu thereof the following: "Provided that said cases shall be so transmitted only upon motion of the plaintiffs therein or by their consent," so that said section when so amended shall read as follows, to-wit: That the judge of the Superior Court of said county may by order transmit to said city court for trial all bills of indictment and presentment

Transmission of cases from Superior Court. Section as amended.

Amending Act Establishing City Court of Richmond County.

found by the Grand Jury for offenses within the jurisdiction of said city court which he may deem proper, and all such cases and all criminal cases now pending in the county court of Bartow county shall be entered by the clerk upon the criminal docket of said city court and all bonds given by the defendants in such cases for appearance in the Superior Court to answer said accusation shall thereupon bind them for similar appearance in said city court as though the same had been therein stipulated; in like manner the judge of the Superior Court of said county may by order transmit to said city court all civil cases standing for trial upon the docket of the Superior Court of said county and which are embraced within the jurisdiction of said city court which he may deem proper; *Provided*, that said cases shall be so transmitted only upon motion of the plaintiffs therein or by their consent; such cases so transferred and all civil cases now pending in the county court of Bartow county shall be entered upon the docket of the city court by the clerk of said court, and shall stand for trial in the order in which they are transferred as though originally brought to said city court.

SEC. II. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved October 24th, 1887.

AMENDING ACT ESTABLISHING CITY COURT OF RICHMOND COUNTY.

No. 513.

An Act to amend an Act entitled an Act to establish a city court in the county of Richmond, to provide for the appointment of a Judge and Solicitor thereof, and to define their powers and duties, approved September 22d, 1881, so as to strike out the requirement for a demand for jury trial at the call of the appearance docket and to allow a demand for jury trial at any time before trial; to strike out the limitation of two thousand (\$2 000) dollars in the amount involved in the jurisdiction of said court; fix the date of the quarterly terms, and to require separate juries for each week and to require jurors to be drawn, served, summoned, impaneled, and to serve as jurors in Superior Court.

SEC. I. Be it enacted by the General Assembly of Georgia, ^{Sec. 26} That from and after December 1st 1887, the Act entitled an Act ^{amended} to establish a city court in the county of Richmond; to provide

Amending Act Establishing City Court of Carrollton.

Demand for jury trial. for the appointment of a Judge and Solicitor thereof, and to define their powers and duties, be, and the same is hereby amended by striking out of the twenty-sixth (26) section, all after the words, "Provided always," and substituting in lieu thereof the following, "but any party in any case, at any time before the call of said case for trial, shall be entitled to demand and have at the trial a jury to try said case."

Sec. 1 amended. Jurisdiction. SEC. II. Be it further enacted, That section one of said Act be amended by striking out of said first (1st) section of the original bill, the words "and not exceeding two thousand (\$2,000) dollars in the amount involved exclusive of interest," between the words "justice of the peace" and the words "except in cases of divorce."

Quarterly terms. SEC. III. Be it further enacted, That the quarterly terms of said city court shall be held on the first Mondays in February, May, August and November of each year.

Sec. 45 amended. Juries. SEC. IV. Be it further enacted, That section forty five (45) of said Act be, and the same is hereby amended by adding to said section the following: Separate juries shall be drawn for each week of each term of said court and jurors shall serve only for one week in each term unless when a juror is serving on the trial of a case lasting over from one week till another. Jurors shall be drawn, served, summoned, impaneled, and shall serve only for the same length of time in each year, as is now or may hereafter be allowed in the Superior Court.

SEC. V. Be it further enacted, That all laws and parts of laws and Acts amendatory of said Act in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING ACT ESTABLISHING CITY COURT OF CARROLLTON.

No. 526.

An Act to amend an Act entitled "An Act to establish a city court in the city of Carrollton, in the county of Carroll; to provide for the appointment of a Judge and Solicitor thereof, and to define their duties and powers, so as to extend the jurisdiction of said court and to provide for increasing the salary of the judge of said city court judge, and to provide for the disposition of fines and forfeitures, and for other purposes.

Sec. 1 amended. SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That section I of the above-recited Act be amended by

Amending Act Establishing City Court of Carrollton.

striking from the eighth line of said section, after the word "Peace," the words, "and not exceeding three hundred dollars," so that said section when amended shall read as follows: "That a city court which shall be a court of record be, and the same is hereby created and established in the city of Carrollton, in the county of Carroll, having jurisdiction over the whole of said county concurrent with the jurisdiction of the Superior Court of said county; to try and dispose of all civil cases above the jurisdiction of justices of the peace, except divorce cases, cases respecting titles of land, and equity cases, and having criminal jurisdiction to try and dispose of all offences committed in said county of Carroll below felony, and to sit as a committing court, to hold preliminary examinations of felonies committed in said county, and shall have jurisdiction to try all civil cases that may be transferred from the Superior Court to said city court; *Provided*, that no civil case shall be transferred from the Superior Court of said county of Carroll to the city court of said county except by consent of the parties to said cases." Jurisdiction.
Section as amended.

SEC. II. Be it further enacted, That section II. of said Act be amended by striking from the twelfth line of said section the words, "*Provided*, the amount involved is within the limits of the jurisdiction of said city court;" also by striking out all of said section after the word "county" in the nineteenth line, so that said section, when amended, shall read as follows: "That the jurisdiction of said city court shall include not only ordinary suits by petition and process, but all other kinds of suits and proceedings which now, or at any time hereafter, may be in use in the Superior Courts, either under the common law or by statute, and all attachment proceedings, and all issues made by affidavit of illegality, counter-affidavit, or otherwise in such suits and proceedings, and all statutory awards, and proceedings against intruders and tenants holding over, and all proceeding for partition of personal property, for trial of possessory warrants, and all issues upon distress warrants, for rents and upon foreclosure of mortgages, and liens upon personal property, are hereby made returnable to said City Court, and said City Court shall also have jurisdiction of all suits on bonds taken in any suit or proceeding in said court, such as attachment, claim, replevy and other bonds of like nature, and to enforce in same manner as the Superior Court, and the forfeiture of all bail-bonds in criminal cases returnable thereto, or transmitted thereto from the Superior Court of said county." Sec 2
amended.
Jurisdiction.
Section as amended.

SEC. III. Be it further enacted, That section IV. of the above-recited Act be amended by adding a proviso at the end of said Sec. 4
amended.

Amending Act Creating City Court of Bartow County.

Salary of
judge.

section as follows: *Provided*, that the salary of the judge of said City Court may be increased from time to time by the grand jury of said county, and whenever the business of said county increases to such an amount as will authorize the grand jury to increase the salary to twelve hundred dollars, then, and in that case, said judge shall not practice law in any other court in this State.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING ACT CREATING CITY COURT OF BARTOW COUNTY.

No. 582.

An Act to amend an Act entitled an Act to establish a city court in the county of Bartow, and for other purposes, approved October 10th, 1885, so as to provide for the drawing of eighteen jurors instead of sixteen, and requiring said eighteen jurors to attend and serve at each quarterly term of said court; and to further provide that parties to cases in said court shall have the right to strike in impaneling juries for the trial of cases; and to *Provide further*, that by consent of parties, trial may be had in civil cases before a jury of six, and for other purposes.

Sec. 10 of
Act
creating
City Court
stricken.

SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, the above recited Act, approved October 10th, 1885, be amended by striking out section ten (X.) of said Act which is as follows, to-wit: "That the jury for the trial of such issues, when so demanded, shall be composed of twelve men; *Provided, however*, that the parties to the case called for trial may, by agreement, strike from the panel, each side in civil cases being entitled to three alternate strikes, and in criminal cases the defendant being entitled to four and the State to two strikes. In all other respects, the same rules shall govern the trial by jury in said city court as govern such trials in the Superior Courts so far as applicable. It shall be the duty of the Judge of said city court to provide at each regular term thereof a panel of twelve jurors, and jurors for said city court shall be procured in the following manner: The clerk of said court shall take the list of jurors as revised from time to time by the jury commissioners, or other proper authority of said county, for the Superior Court, including both grand and traverse

Amending Act Creating City Court of Bartow County.

jurors, and putting their names in a box kept for the purpose, the Judge of said city court shall, at each regular term, draw therefrom, by lot, sixteen names of persons who shall be summoned by the sheriff to serve as jurors at the next term, and out of whom the panel aforesaid shall be made up. The same regulations which prevail in the Superior Court in regard to the care and custody of the jury box, the summoning of jurors and of talesmen, the competency of jurors and in regard to juries and jurors in general, shall prevail also in said city court so far as applicable. The sheriff shall be entitled to a fee of two dollars for summoning the jurors for each term, and the jurors so impaneled shall receive the same pay allowed jurors in the Superior Court of Bartow county," and inserting in lieu thereof the following, to be known as section ten (X.) of said Act: "That the jury for the trial of such issues, ^{New section.} except as *hereinafter provided*, shall be composed of twelve men. It shall be the duty of the Judge of said city court to provide at ^{Jury.} each regular term thereof a panel of twelve jurors, and jurors for said city court shall be procured in the following manner: The clerk of said court shall take the list of jurors as revised, from time to time by the jury commissioners, or other proper authority of said county for the Superior Court, including both grand and traverse jurors, and putting their names in a box kept for the purpose, the judge of said City Court shall, at each regular term, draw therefrom by lot eighteen names of persons, who shall be summoned by the sheriff and who shall be required to serve as jurors at the next term, and out of whom the panel of twelve as aforesaid shall be made up; and in all civil cases, in which a jury is demanded, the parties to the case called for trial shall, by alternate strikes, reduce the said number ^{Strikes, etc.} eighteen to twelve; and in criminal cases, in which a jury is demanded, the defendant shall be entitled to four strikes and the State to two strikes; and by consent of parties, civil or criminal cases may be tried when the twelve are charged with a cause, by the six stricken jurors; and when the six jurors are charged with the trial of a case, either civil or criminal cases may be tried by consent of parties before the remaining twelve jurors, or by consent of parties such cases may be tried by a panel of six to be taken from said twelve jurors, by striking therefrom three by each side in civil cases, and two by the State, and four by the defendant in criminal cases. In all other respects the same rules shall govern the trial by jury in said City Court as govern such trials in the Superior Courts so far as applicable. And the same regulations which prevail in the Superior Court in regard to the care and custody of the jury box, the summoning of jurors and ^{General regulations.}

Amending Act Creating City Court of Bartow County.

Sheriff and
jury fees.

of talesmen, the competency of jurors, and in regard to juries and jurors in general, shall prevail also in said City Court so far as applicable. The sheriff shall be entitled to a fee of two dollars for summoning the jurors for each term, and the jurors so empaneled shall receive the same pay allowed jurors in the Superior Court of Bartow county.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

TITLE IV.

GAME, ETC.

ACTS.

Protection of Mocking birds in Madison.
 Fishing, etc., on lands of another in Washington county.
 Game law for Jasper county.
 Protection of fish in Hiwassee river in Towns county.
 Amending game law of Fulton county.
 Game law for Telfair county.
 Game law for Montgomery county.
 Hunting, etc., on lands of another in Wayne county.
 Game law for Habersham county.
 Game law for White county.
 Game law for Troup county.
 Game law for Newton county.
 Fishing in Alapaha river.

PROTECTION OF MOCKING BIRDS IN MADISON.

No. 166.

An Act to prevent the robbing or destruction of the nests of mocking birds of their eggs and young birds, within the incorporate limits of the town of Madison, county of Morgan, and State of Georgia, and for other purposes herein named.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, it shall not be lawful for any person or persons to either destroy the nests of mocking birds or rob them of their eggs or young birds within the incorporate limits of the town of Madison, and county and State aforesaid. Mocking birds' nests, etc., protected.

SEC. II. That any person or persons violating the provisions of the above section shall be deemed guilty of a misdemeanor, and on conviction punished as prescribed by section 4310 of the Code of 1882. Penalty.

SEC. III. All laws and parts of laws in conflict herewith are hereby repealed.

Approved September 12, 1887.

Fishing. etc., on Lands of Another in Washington County.—Game Law for Jasper County.

FISHING, ETC., ON LANDS OF ANOTHER IN WASHINGTON COUNTY.

No. 287.

An Act to prevent fishing, hunting or otherwise trespassing on the lands of another in the county of Washington, after being notified by the owner, agent or lessee to keep off the same, and for other purposes.

Fishing. etc. prohibited. SECTION I. Be it enacted by the General Assembly of Georgia, that from and after the passage of this Act it shall not be lawful for any person or persons to hunt with gun or dogs, or fish in the waters contained in any lands or otherwise trespass on the lands of another in the county of Washington, after said person or persons have been personally, or by written notice posted on the land, notified by the owner, agent or lessee thereof, to keep off the same; *Provided however*, nothing in this Act shall be construed to prevent the owners or controllers of stock from looking after and caring for the same, when said stock has estrayed on the lands of another.

After being warned. Proviso. SEC. II. Be it further enacted, That any person violating the foregoing section shall be punished as prescribed in the code of 1882, section 4310.

Penalty. SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 5, 1887.

GAME LAW FOR JASPER COUNTY

No. 299.

An Act to make it unlawful for any person to shoot, snare, trap, or in any manner kill any buck, doe or fawn, wild turkey or partridge running at large in the county of Jasper between the fifteenth day of March and the fifteenth day of October of each year, and to provide a penalty for the same.

Game protected. Season. SEC. I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall not be lawful for any person to shoot, snare, trap or in any manner kill any buck, doe or fawn, wild turkey or partridge running at large in the county of Jasper between the fifteenth day of March and the fifteenth day of October of each year.

Protection of Fish in Hiwassee River in Towns County.

SEC. II. Be it further enacted by the authority aforesaid, **Penalty.** That any person violating this Act shall be guilty of a misdemeanor and on conviction thereof shall be punished as provided in Section 4310 of the Code.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 8, 1887.

PROTECTION OF FISH IN HIWASSEE RIVER IN TOWNS COUNTY.

No. 303.

An Act for the protection of fish in the Hiwassee river, in Towns county, above the mouth of little Choestoie on W. R. McConnell's land, and all its contributory waters.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid, That from and after the passage of this Act, it shall be unlawful for any person or persons to fish for the purpose of catching fish in any part of Hiwassee river lying within the county of Towns **Fishing prohibited.** above the mouth of little Choestoie on the land of W. R. McConnell, and all contributory waters to said river within two **For two years.** years after the passage of this Act. **Penalty.**

SEC. II. Be it further enacted, That any person or persons who shall be guilty of violating the first Section of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of twenty dollars, or imprisoned in the common jail twenty days in the discretion of the presiding Judge.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 8, 1887.

Amending Game Law for Fulton County.—Game Law for Telfair County.

AMENDING GAME LAW FOR FULTON COUNTY.

No. 311.

An Act to amend an Act entitled an Act for the protection of deer, partridges and wild turkeys in the counties of Chatham and Bryan, and to make the killing or trapping of the same in said counties a penal offence during certain seasons of the year, and for other purposes, and the amendatory Act applying the provisions of said Act to Fulton and other counties, so far as to strike out the word "October" in Section I. of said original Act, and inserting in lieu thereof, the word "November," and to apply this amendment only to Fulton county.

Sec. 1
amended.

"October"
changed to
"Novem-
ber."
Section as
amended.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, that from and after the passage of this Act, Section I. of said original Act be amended by striding out the word "October," in said section, and inserting in lieu thereof the word "November," so that said section when amended will read as follows: That the shooting, killing, trapping or destruction of any deer, partridge or wild turkey, from and after the passage of this Act, between the first day of the month of April and the first day of the month of November of any year, shall be held and determined a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding six months at the discretion of the court.

This
amend-
ment ap-
plies only
to Fulton
county.

SEC. II. Be it further enacted by the authority aforesaid, That this amendment shall only apply to said county of Fulton.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 13th, 1887.

GAME LAW FOR TELFAIR COUNTY.

No. 374.

An Act for the protection of game, insectivorous birds and birds of song for the county of Telfair.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the

Game Law for Montgomery County.

same, That the shooting, killing, trapping, or destruction of any deer, wild turkey, wild duck, partridge, snipe, or dove, from and after the passage of this Act, between the fifteenth day of March and the first day of October, of any year, in the county of Tel- fair shall be held and determined a misdemeanor, and shall be punished as prescribed in section 4310 of the Code.

SEC. II. Be it further enacted, That the fact of being in possession of any such bird, or animal, or exposing the same for sale shall be held as *prima facie* proof of killing or trapping by the person having possession thereof.

SEC. III. Be it further enacted, That the trapping, shooting, killing, or destruction of any mocking bird, red bird, nonpareil, or any insectivorous bird shall be punished as prescribed in the first section of this Act.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

GAME LAW FOR MONTGOMERY COUNTY.

No. 402.

An Act for the protection of game, insectivorous birds and birds of song, for the county of Montgomery.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the shooting, killing, trapping, or destruction of any deer, wild turkey, wild duck, partridge, snipe, or dove from and after the passage of this Act, between the fifteenth day of March and the first day of October, of any year, in the county of Montgomery shall be held and determined a misdemeanor, and shall be punished by a fine not to exceed five hundred dollars, or imprisonment in the county jail not exceeding six months, at the discretion of the court.

SEC. II. Be it further enacted. That the fact of being in possession of any such bird, or animal, or exposing the same for sale shall be held as *prima facie* proof of killing or trapping by the person having possession thereof.

SEC. III. Be it further enacted, That the trapping, shooting, killing, or destruction of any mocking bird, red bird, nonpareil, or any insectivorous bird or birds, of any kind, shall be punishable as prescribed in the first section of this Act.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Hunting, etc., on Lands of Another in Wayne County.—Game Law for Habersham County.

HUNTING, ETC., ON LANDS OF ANOTHER IN WAYNE COUNTY.

No. 407.

An Act to prohibit hunting or fishing on the lands of another in Wayne county, without the consent of the owner.

Hunting on lands of another prohibited. SECTION I. Be it enacted by the General Assembly of the State of Georgia, That it shall not be lawful for any person to hunt with dogs or fire-arms or implements of any kind on any lands in the county of Wayne without the consent of the owner of the lands or the persons having said lands in charge.

Fishing. SEC. II. Be it further enacted, That it shall not be lawful for any person to catch or entrap fish with hooks and lines, seines, gill-nets, cast-nets, or any other way in any streams or ponds on any lands in the county of Wayne, without the consent of the owner of the lands, or the persons having said lands in charge.

Penalty. SEC. III. Be it further enacted, That for every violation of this Act the persons offending shall be guilty of a misdemeanor, and shall be punished as prescribed in section 4310 of the revised Code of 1873; *Provided*, the provisions of this Act will only apply to the lands that may be posted by the owners or controllers thereof.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

GAME LAW FOR HABERSHAM COUNTY.

No. 439.

An Act to prohibit the killing of wild turkeys and deer at certain seasons of the year in the county of Habersham in this State.

Deer protected. SECTION I. Be it enacted by the Senate and House of Representatives in General Assembly met, That from and after the passage of this Act it shall be unlawful for any person to shoot or kill in any manner whatever, any buck, doe, or fawn running wild in the county of Habersham in this State at any time between the first day of April and the first day of October in each year.

Season.

Game Law for White County.

SEC. II. Be it further enacted by the authority aforesaid, That ^{Wild turkeys.} from and after the passage of this Act it shall be unlawful for any person, within the limits of the county named in the first section of this Act, to shoot, snare, trap, or kill, in any manner, any wild turkey between the fifteenth day of May and the fifteenth day of ^{Season.} September in each year.

SEC. III. Be it further enacted by the authority aforesaid, That ^{Penalty.} any person who shall violate either of the foregoing sections shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as prescribed in Section 4310 of the Code of 1882.

SEC. IV. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed.

Approved, October 22, 1887.

GAME LAW FOR WHITE COUNTY.

No. 485.

An Act to prevent the hunting, killing and taking of deer and wild turkeys in the county of White during certain seasons, and providing penalties for the violation thereof.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, any person who shall hunt, kill, or take in any manner in the county of White any deer, between the first days of January and September in any year, or who shall kill or take any wild turkey in said county of White between the first days of May and September in any ^{Deer and turkeys protected.} year, shall be guilty of misdemeanor. ^{Season.}

SEC. II. Be it further enacted by the authority aforesaid, That ^{Penalty.} any person guilty of a violation of this Act, as to hunting, killing, or taking deer, shall upon conviction be fined in the sum of twenty dollars, and on failure to pay such fine shall be imprisoned in the county jail for the period of twenty days. And any person guilty of a violation of this Act, as to killing or taking wild turkeys, shall upon conviction be fined in the sum of ten dollars, and on failure to pay such fine shall be imprisoned in the county jail for the period of ten days.

SEC. III. Be it further enacted by the authority aforesaid, That ^{Disposition of fines.} one-half of the fines collected under the provisions of section II.

Game Law for Troup County.

of this Act shall be paid to the prosecutor, and one-half shall be applied to the payment of the costs of prosecution.

[] SEC. IV. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

GAME LAW FOR TROUP COUNTY.

No. 494.

An Act for the protection of game and birds in Troup county, to prohibit the killing, trapping or netting of the same or buying, selling or offering for sale the same during certain months in the year, to provide penalties for violation thereof, and for other purposes.

Game protected. SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall not be lawful for any person to shoot, kill, trap, snare, net or otherwise destroy any deer, wild turkey or partridge in the county of Troup between the first day of April and the first day of October of any year, and any person who shall violate the provisions of this section shall, upon conviction thereof, be punished as prescribed in Section 4310 of the Code of Georgia.

Season.

Penalty.

Protection of partridges. SEC. II. Be it further enacted by the authority aforesaid, That any person who shall trap, snare or net any partridge in said county except on his or her own land or with the permission of the owner thereof, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in the first section of this Act.

Of doves. SEC. III. Be it further enacted by the authority aforesaid, That any person who shall shoot, kill, trap or otherwise destroy, or shall buy, sell or offer for sale any dove in said county between the first day of April and the first day of August of any year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in the first section of this Act.

Mocking birds. Nests and eggs. SEC. IV. Be it further enacted by the authority aforesaid, That any person who shall kill any mocking bird or who shall rob or destroy the nest or eggs of any wild turkey, partridge, dove or mocking bird shall be guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section first of this Act.

Game Law for Newton County.

SEC. V. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

GAME LAW FOR NEWTON COUNTY.

No. 523.

An Act for the protection of birds and other game in Newton county.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act any person who shall shoot, kill, trap, snare, net or otherwise destroy any wild turkey, wild duck, partridge or quail, or mocking bird, in the county of Newton, between the first day of April and the first day of October, of any year, or any person who shall buy, sell, or offer for sale, any wild turkey, wild duck, partridge or quail, or mocking bird, between the first day of April and the first day of October, in any year, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as prescribed in section 4310 of the Code of Georgia. Game protected.
Season.
Penalty.

SEC. II. Be it further enacted by the authority aforesaid, That any person who shall shoot, kill, trap, net, snare or otherwise destroy, or shall buy, sell or offer for sale, any dove in said county, between the first day of May and the first day of August of any year, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as prescribed in the first section of this Act. Doves.

SEC. III. Be it further enacted by the authority aforesaid, That any person who shall take, injure or destroy the nests of any wild turkey, wild duck, partridge or quail, dove or mocking bird, in said county, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as prescribed in the first section of this Act. Nests.

SEC. IV. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

Fishing in Alapaha River.

FISHING IN ALAPAHA RIVER.

No. 539.

An Act to make it illegal to seine for fish in the Alapaha river and its tributaries in Wilcox county, and prescribe punishment for so doing, and other purposes.

Seining
prohibited.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted, From and after the passage of this Act, it shall be illegal for any person or persons to seine for fish with seines constructed of twine, cotton bagging or other material in the Alapaha river or its tributaries in the county of Wilcox.

Penalty.

SEC. II. And be it further enacted by the authority aforesaid, That any person or persons violating the first section of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred dollars including cost of suit, nor more than five hundred or imprisoned in the county jail not less than thirty days nor more than sixty days.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

TITLE V.

REGISTRATION.

ACTS.

Registration law for Berrien county.
Registration law for Clinch county.
Registration law for Newton county.
Registration law for Terrell county.
Amending registration law of Greene county.
Amending registration law of Cobb county.
Registration law for Bartow.
Amending registration law of Telfair county.
Registration law of Floyd county.
Registration law of Ware county.
Registration law of Irwin county.
Registration law of Clay county.
Registration law of Meriwether county.
Registration law of Morgan county.
Registration law of Brooks county.
Registration law of Campbell county.
Registration law of Thomas county.
Registration law of Burke county.
Amending registration law for Floyd county.
Amending registration law for Lowndes county.
Amending registration law for Oglethorpe county.
Registration law for Worth county.
Amending registration law for Wilkinson county.
Amending registration law for Dodge county.
Registration law for Richmond county.
Registration law for Laurens county.
Registration law for Macon county.

REGISTRATION LAW FOR BERRIEN COUNTY.

No. 184.

An Act to provide for the registration of the qualified voters of Berrien county; and to provide that the same shall be done before the tax receiver of said county; to prescribe his duties in this connection and to fix his compensation; also to fix the time, place, and manner of such registration, and to provide that voters shall register and vote in their respective militia districts in which they reside and not elsewhere; also to provide that no person shall be entitled to vote in any election hereafter to be held in said county of Berrien unless he shall have complied with the terms of this Act, and to provide for a penalty for the violation of the provisions of this Act, and for other purposes.

Voters must be registered. SECTION I. Be it enacted by the General Assembly of this State, That from and after the first day of January 1888, it shall be unlawful for any person to vote or attempt to vote in any election in the county of Berrien without having registered in the manner as hereinafter provided.

Registrar. SEC. II. Be it further enacted by the authority aforesaid, That the tax receiver of said county of Berrien shall be registrar of said county and shall before entering upon his duties as such, before the Ordinary of said county, subscribe to the following oath: "I do swear that I will not knowingly register as a voter any person who is not legally qualified to vote under the laws of this State and the provisions of the Constitution, and that I will use my best efforts to prevent the registration of all persons not entitled to vote."

Oath of office. SEC. III. Be it further enacted, That it shall be the duty of the tax receiver of said county during the year 1888 and biennially thereafter, or during each year as elections are held for Governor, members of the General Assembly, members of Congress and Presidential electors, to keep a book in which he shall enter upon the personal application of any person entitled under the Constitution and laws of the State of Georgia to vote in any election in this State; *Provided*, all persons applying to be registered shall do so in the respective militia districts in which they reside, and shall be registered in and for said district, and before registering said person said registrar shall administer to them the following oath: "I do swear that I reside in district G. M., said county; that I have attained the age of twenty-one years; that I am a citizen of the United States and have resided for the last twelve months in this State next preceding the election to be held in October next, and six months in the county of Berrien next preceding said election;

Registration book.

Must register in militia district of residence. Oath of applicant.

Registration Law for Berrien County.

that I have paid all taxes since the adoption of the present Constitution of this State, that have been required of me previous to this year, and which I have had an opportunity to pay.

SEC. IV. Be it further enacted, That all persons shall be required to register and vote in the respective militia districts in which they reside. Must register and vote in same district.

SEC. V. Be it further enacted, That no person shall be entitled to vote at any election in said county unless he shall have registered as required by this Act, and any person who has not registered, and who shall vote or attempt to vote at any election shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in section 4310 of the Code of Georgia. Illegal voting.

SEC. VI. Be it further enacted, That said tax-receiver shall enter the names of such persons as registered in his books of registration in alphabetical order, keeping a separate list of the white voters and a separate list of the colored voters. Registration lists.

SEC. VII. Be it further enacted, That on the fifteenth day of September in each year, in which he is required to make a registration of the voters, the tax-receiver shall close his work of registration and by the twentieth day of September thereafter he shall file with the Ordinary of said county the original books of registration. Closing work of registrar.

SEC. VIII. Be it further enacted, That it shall be the duty of the Ordinary of said county to make out for each militia district a complete list of the white registered voters and, also, of the colored registered voters, separately and in alphabetical order of each militia district, and send the same to the justice of the peace or notary public of each district, to be used by the managers of the election in said district. When said election is over said justices, or notary publics, or managers of elections shall return said list to the Ordinary to be preserved by him until the election thereafter, when the same course shall be pursued with said lists. Lists to be furnished election managers.

SEC. IX. Be it further enacted, That any person offering to vote at any election in said county shall be subject to challenge under the same rules and regulations as now govern notwithstanding the provisions of this Act. Challenges.

SEC. X. Be it further enacted, That the tax receiver shall receive fifty dollars for his services and the Ordinary ten dollars for his services, in this connection, to be paid out of the general fund in the treasury of said county upon the order of the county commissioners. Compensation.

SEC. XI. Be it further enacted, That nothing herein contained shall apply to any person or persons arriving at the age of twenty-one years after the books of registration have been closed and before the election at which he appears to vote; *Provided*, he is otherwise qualified to vote under the laws of this State. Persons attaining majority after close of books.

Registration Law for Clinch County.

SEC XII. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved September 20, 1887.

REGISTRATION LAW FOR CLINCH COUNTY.

No. 215.

An Act to require and provide for the registration of all voters in Clinch county, and to provide for carrying it into effect, and for other purposes.

Registrar. SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, the tax collector of the county of Clinch, shall be by virtue of his office registrar for said county, and shall take an oath faithfully to discharge the duties imposed by this Act. It shall be his duty as such registrar to register all persons applying, who are legally qualified to vote in the following manner:

Oath of office. Said registrar shall stamp the word "registered" upon the tax receipt of the person registering, and also upon the stub in his book of tax receipts together with the date of registration, and the year for which said person is registered, which registered year extends from the time registered until the closing of the books the following year. His book for registration shall be closed when he closes the books for State and county taxes.

Manner of registering, etc. All person voting shall vote in the district in which they reside and for which are registred; *Provided*, there is no voting precinct established in said district, and if there is no such precinct, they must register at some other precinct in the county and there vote. A failure to hold an election in a district where there is a precinct, will not entitle one to vote at some other precinct.

Close of book. All applications to register must be made in person and no person shall be registered unless he is a citizen of the United States, and has resided in the State twelve months, and the county of Clinch six months next preceding the county election, and is twenty-one years old, or will be so before said election, and has paid all State and county taxes which have been due by him except for the year of the election, of which facts the registrar must require the applicant to make oath before him. It shall be the duty of said registrar immediately upon the closing of his books to make out alphabetical lists of the registered vo-

Lists.

ters for each militia district in the county, and turn over the same to the Ordinary of said county.

SEC. II. Be it further enacted, That the said Ordinary shall cause to be printed said alphabetical lists of said voters so required, and shall cause to be furnished to the managers of election at each precinct copies of the lists of registered voters of the district in which they sit, which list shall be first verified from the registrars list, before being turned over to said managers, and the said managers shall not permit any person to vote at said election, whose name does not appear on said lists. under all the penalties prescribed by law for illegal voting and any person voting at any of said elections without having been registered as aforesaid, or who shall vote in the name of some other person appearing on said list other than his own name, or otherwise violating the provisions of this Act, shall be punished as prescribed in Section 4310 of the Code of 1882; *Provided*, that any person who presents his tax receipt with the word "Registered" stamped upon it by said registrar, shall be entitled to vote in the district of his residence, although his name does not appear on the list in the hands of managers of said election; *Provided, however*, three freeholders shall first make oath as to their belief of his qualification to vote, and then said vote shall be marked challenged, subject to the action of the proper tribunal before which, illegal votes are investigated. Upon investigation, if it is found said stamping is illegal, then the party, or parties stamping and the party voting shall be dealt with for illegal voting.

Printing of lists, etc.

Illegal voting, etc.

Proviso.

Oath of voter

Illegal stamping of receipt.

SEC. III. Be it further enacted, That the time and place for opening said book of registration shall be the time and places when said tax collector collects his state and county taxes and when said rounds are over, the registration book for that year shall have then been closed; a failure to register at the time of the rounds of said collector shall bar all further registration for that year. The amount of compensation for the services to be thus done by said registrar shall be three cents for each person registered, to be paid from the county treasury, on the order of the Ordinary.

Opening and closing of book.

Compensation of registrar.

SEC. IV. Be it further enacted, That the ordinary shall furnish the said registrar a well-bound book in which the registrar shall transcribe in alphabetical order the names of all registered voters and the militia district for which they are registered, keeping the registry lists for each year separate; and it shall be the duty of said registrar to deposit said book with the Ordinary after said book is closed.

Book to be furnished.

SEC. V. Be it further enacted, That if at any time it shall be made to appear to the ordinary, by the petition of one or more citizens, that the registrar has entered on the list or issued certificates of registration to any person not entitled to vote, then the said Ordinary shall have authority, and it is hereby made the duty

Correction of registry.

Registration Law for Newton County.

Contests.

of the same, to cause a rule to be issued against the registrar, calling upon him to show cause why said lists shall not be corrected. The said registrar and the person alleged to be illegally registered, each to have five days written notice of the hearing of said rule. If upon the hearing it should appear from the evidence offered that any persons are illegally registered, the Ordinary shall order the names of such illegally registered persons to be stricken from the lists, specifying the names of said illegally registered persons, and such person shall not be allowed to vote. The registration of voters shall not be conclusive evidence of the right of the person registered, but the right of contest shall apply to all of the elections herein provided for.

SEC. VI. Be it further enacted, That all laws in conflict herewith, be, and the same are hereby repealed.

Approved September 22d, 1887.

REGISTRATION LAW FOR NEWTON COUNTY.

No. 219.

An Act to provide for and require the registration of voters in Newton county, and for other purposes herein contained.

Registrars.

Books.
Oath of applicants.

Certificate.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be the duty of the Board of Commissioners of Roads and Revenue of the county of Newton to appoint for each militia district in said county, at least one registrar of voters who shall be a freeholder and a resident in said district, and who shall be duly sworn by some officer authorized to administer oaths, faithfully to perform the duties as registrar, as prescribed by this Act, and the said commissioners shall furnish to each of said registrars a registration book, upon the top of each page of which shall be written or printed the following oath: "I do swear (or affirm) that I am twenty-one years of age, have resided in this State one year and in this county six months next preceding the next election. I have paid all taxes which, since the adoption of the present Constitution of this State have been required of me previous to this year, and which I have had an opportunity to pay, and I am a resident of this ——— district," and at the foot of each page shall be printed or written the following certificate "I hereby certify that the parties named on this page took and subscribed before me the foregoing oath on the date opposite their respective names. This ——— day of ——— 18—— ——— registrar ———

Registration Law for Newton County.

district, Newton county," and the said commissioners shall designate some convenient place or places in each militia district where such books shall be opened for the registration of voters, and shall give notice of the name of the registrar and the place or places of registration in each militia district, and the period for registration by publishing the same in the Covington papers for four weeks, and by posting notices thereof in three public places in each district, said publication and posting to date from the opening of the registration books as hereinafter provided.

Place of
registration.
Notice.

SEC. II. Be it further enacted, That it shall be the duty of the registrars to open their books for the registration of voters at the places designated in their respective districts sixty days before the first election for which registration is had, and shall attend at such places with their books, from ten o'clock a. m. to three o'clock p. m. every other Saturday during said sixty days, in order that the qualified voters in said county may register in their respective districts; when more than one place in a district is designated for registration the attendance shall be apportioned between the places of which notice shall be given in the publication and posting aforesaid. All applications to register shall be in person and in the district of the applicant's residence, and the registrar shall administer to each applicant the prescribed oath, and require him to subscribe his name thereunder. The registrar shall attest on said book each cross-mark signature; said names shall be numbered consecutively, with the date of each registration, and opposite shall appear the color, age and occupation of the voter, which he shall disclose before registering. The registrar shall certify to the correctness of each page of his book in the form printed or written thereon, and shall furnish to each person registering a certificate thereof in the following form: "Georgia, Newton county: I certify that _____ duly registered before me, this _____ day of _____, 18____, _____, registrar _____ district."

Duty of
registrars.

Regula-
tions or
regthtry.

SEC. III. That at the expiration of sixty days the registration books shall be closed, and shall be immediately delivered, certified as aforesaid, to the said board of commissioners or their chairman, and it shall be the duty of said commissioners to cause to be made from said books correct alphabetical lists of the registered voters, together with the color, age and occupation of each voter, and shall furnish to managers of elections printed lists as aforesaid, of the voters on or before the opening of the polls thereof, and no person shall be allowed to vote whose name does not appear on the list.

Close and
disposi-
tion of
books.

Lists.

SEC. IV. Be it further enacted, That when two or more elections occur within a period of one hundred and twenty days the

Two or
more elec-
tions
near to-
gether.

Registration Law for Newton County.

registration and lists prepared for the first shall serve for the others, and if any person may not be qualified to vote at the first election, covered by the registration, on account of age or residence, and yet will by lapse of time become qualified for some subsequent one so covered, such person may, during the period of registration, make a separate affidavit before the registrar of his district in the form of the oath prescribed, with such qualifications as will show when, on account of age or residence he will become a qualified voter, and all such affidavits shall, along with the books, be delivered to the commissioners, and from the affidavits, lists shall be made and furnished as aforesaid to the managers of the election in which such person may become qualified to vote.

Books, etc., submitted to grand jury, etc. SEC. V. Be it further enacted, That after the lists hereinbefore provided for shall have been made, the books and affidavits shall be placed with the Ordinary for safe keeping and shall be submitted to each grand jury of the Superior Court of said county. The same books may be used for registration from time to time until they are filled, when new books shall be furnished under the same regulations.

Assistant registrars. SEC. VI. Be it further enacted, That said commissioners may, in their discretion appoint, assistant registrars with the same powers, duties and liabilities as the registrars, and said commissioners may fix the compensation of the registrars at not less than three nor more than five cents for each name registered, and remove them from office. The appointment of a new registrar shall operate as a removal of the incumbent. So long as two or more districts in said county may be within one election precinct there need be but one registrar, registration list and book for both or all of such districts, and registration before such registrar of persons residing in the precinct shall entitle them to vote therein. The expense incurred in carrying this Act into effect shall be paid out of the county treasury upon the order of the commissioners.

Correction of registry. SEC. VII. Be it further enacted, That if at any time it shall be made to appear to the board of commissioners by the petition of one or more citizens that the registrar has entered on the list or issued certificates of registration to any person not entitled to vote, then the said commissioners shall have authority, and it is hereby made the duty of the same to cause a rule to be issued against the registrar, calling upon him to show cause why said lists should not be corrected. The said registrar and the person alleged to be illegally registered each to have five days written notice of the hearing of said rule. If, upon the hearing, it should appear from the evidence offered that any persons are illegally registered, the board of commissioners shall order the names of such illegally

Registration Law for Terrell County.

registered persons to be stricken from the lists, specifying the names of said illegally registered persons, and such persons shall not be allowed to vote, unless he shall, upon a new application to register, remove the disqualification which has been adjudged against him. The registration of voters shall not be conclusive evidence of the right of the person registered to vote, but challenges may be made as heretofore, under existing laws. Challenges.

SEC. VIII. Be it further enacted, That nothing herein contained shall authorize the commissioners of said county to omit a new registration of voters preceding any election hereafter to be held in said county, under any local option law now passed, or hereafter to be passed by the General Assembly. Registration for local option elections

SEC. IX. Be it further enacted. That it shall be the duty of the tax collector to return to said commissioners or their chairman, the names of all tax defaulters on the first Monday in January of each year, and said commissioners shall have power and it shall be their duty to erase from the registration lists all names that are in arrears for taxes up to the date of the year which will have just ended; *Provided*, that such defaulter shall not be prevented from registering again upon the payment of said tax, and meeting all the requirements of this Act. Return of tax defaulters, etc.

SEC. X. Be it further enacted, That if any person shall vote or attempt to vote at any election in said county, without having registered as aforesaid, he shall be guilty of illegal voting, and on conviction shall be punished as prescribed in section 4310 of the Code of 1882. Illegal voting.

SEC. XI. Be it further enacted, That should any registered voter lose or mislay his certificate of registration, he may obtain a duplicate upon application to the registrar of his district, or the Ordinary of said county; *Provided*, his name appears on the registration lists. Loss of certificate of registration.

SEC. XII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 22, 1887.

REGISTRATION LAW FOR TERRELL COUNTY.

No. 251.

An Act providing for the registration of qualified voters in Terrell county, Georgia, and for other purposes.

SECTION I. Be it enacted by the General Assembly of this State, That from and after the first day of September, 1888, it Voters must register.

Registration Law for Terrell County.

shall be unlawful for any person to vote or attempt to vote in any election in the county of Terrell without having registered in the manner hereinafter provided.

Registrar. SEC. II. Be it further enacted by the authority aforesaid. That the tax receiver of said county of Terrell shall be the registrar of said county, and before entering upon his duties as such he shall before the Ordinary of said county subscribe to the following oath: "I do swear that I will diligently search for and register all legal qualified voters in the county of Terrell, but will not knowingly register as a voter any person who is not legally qualified to vote under the laws of this State and the provisions of the Constitution, and that I will use my best efforts to prevent the registration of all persons not entitled to vote;" and the person so registered entitled to vote, shall be qualified to vote in all elections held in said county.

Oath. SEC. III. Be it further enacted, that it shall be the duty of the tax receiver of said county, during the year 1888, and biennially thereafter, or during each year as elections are held for Governor, members of the General Assembly, members of Congress and Presidential Electors, to keep a book, in which he shall enter, upon the personal application of any person entitled under the Constitution and laws of the State of Georgia to vote in any election in this State; but before registering such persons said registrar shall administer to them the following oath: "I do swear that I have attained the age of twenty-one years; that I am a citizen of the United States and have resided for the last twelve months in this State next preceding the elections to be held in October next and six months in the county of Terrell next preceding said election; that I have paid all taxes since the adoption of the present Constitution of this State that have been required of me previous to this year and which I have had an opportunity to pay.

Oath of applicant. SEC. IV. Be it further enacted, That all persons registered under this Act shall be entitled to vote in any militia district in said county.

May vote in any district of county. SEC. V. Be it further enacted, That no person shall be entitled to vote at any election in said county unless he shall have registered as required by this Act, and any person who has not registered and who shall vote or attempt to vote at any elections shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in Section 4310 of the Code of Georgia.

Illegal voting. SEC. VI. Be it further enacted, That said tax receiver shall enter the names of such persons as register in his books of registration in alphabetical order, keeping a separate list of the white voters and a separate list of colored voters.

Lists, etc. SEC. VII. Be it further enacted, That on the 15th day of September in each year in which he is required to make a registration of the voters of said county, the tax receiver shall close his

Close of book, etc.

Registration Law for Terrell County.

book of registration, and by the 30th day of September thereafter he shall file with the Ordinary of said county the original books of registration.

SEC. VIII. Be it further enacted, That it shall be the duty of the Ordinary of said county to make out for each militia district a complete list of white registered voters and also of the colored registered voters, separately and in alphabetical order, and send same to the justice of the peace of each militia district when he sends the election blanks to said districts to be used by the managers of the election in said district ; when said elections are over said justices of the peace or managers of elections shall return said lists to the Ordinary, to be preserved by him until the elections thereafter when the same course shall be pursued with said lists.

List's for
election
managers,
etc.

SEC. IX. Be it further enacted, That any person offering to vote at any election in said county shall be subject to challenge under the same rules and regulations as now govern, notwithstanding the provisions of this Act.

Chal-
lenges.

SEC. X. Be it further enacted, That nothing in this Act shall apply to any person or persons arriving at the age of twenty-one years after the book of registration has been closed and before the election at which he offers to vote, provided he is otherwise qualified to vote under the laws of this State.

Persons
reaching
majority
after close
of book.

SEC. XI. Be it further enacted, That tax receiver shall receive one hundred dollars and the Ordinary thirty dollars for services rendered in this connection, to be paid out of the general funds in the treasury of said county upon the order of the county commissioners.

Compensa-
tion.

SEC. XII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29, 1887.

AMENDING REGISTRATION LAW OF GREENE COUNTY.

No. 253.

An Act to alter and amend the Registration Act for the counties of Floyd, McDuffie, Burke, Randolph, Elbert, Oglethorpe, Wilkinson, Greene, Washington, Walton, Morgan, Lowndes, Emanuel and Pulaski, approved October 3d, 1885, so far as the same applies to the county of Greene, so as to provide that there shall be but one registration in each year of the voters of said county of Greene; to allow the voters in said county to vote at any precinct in the county; to allow the voters of said Greene county in certain cases to register by proxy; to require the registrar to furnish lists of registered voters to managers of elections in said county, and for other purposes.

But one
registra-
tion in each
year.
Proviso.

SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, the above-recited Act be so amended (so far as it applies to the county of Greene) that there shall be but one registration of voters in each year, said registration to take place at the regular time prescribed by law for collecting taxes, provided that nothing herein contained shall authorize the omission of a new registration of voters preceding any election hereafter to be held in said county under any local option law now passed or hereafter to be passed by the General Assembly.

Voters
may vote
at any
precinct.

Regi-stra-
tion by
proxy.

SEC. II. Be it further enacted, That all registered and legal voters may vote at any voting precinct in said county of Greene.

SEC. III. Be it further enacted, That any voter in said county of Greene may register by proxy when the registrar of his own knowledge is satisfied that said applicant for registration is a legally qualified voter.

Lists of
voters

SEC. IV. Be it further enacted, That the person or persons whose duty it is now to furnish lists of registered voters to the managers of elections at each precinct be also required to furnish in alphabetical order, lists of all the registered voters of the county to the said managers.

Registra-
tion of new
residents,
etc.

SEC. V. Be it further enacted, That the registrar shall register all applicants who may move into said county of Greene, or who may become of legal age after the time prescribed in this Act for registration, provided said applicants are in every way legally qualified for voting.

SEC. VI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29, 1887.

AMENDING REGISTRATION LAW OF COBB COUNTY.

No. 258.

An Act to amend an Act entitled "an Act to authorize and require the registration of all voters in the county of Cobb, of this State; to provide for penalties for violation of the same, and for other purposes herein contained," so as to provide for persons to vote who have paid their taxes and moved into Cobb county from other counties after the tax collector of Cobb county has collected the taxes of Cobb county, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid, That from and after the passage of this Act, that section five of the above Act, approved October 5, 1885, be, and the same is hereby amended by adding the following words to the end of the section, to-wit: "*And provided, further*, that when any person or persons otherwise qualified to vote under the laws of this State shall move into the county of Cobb after the tax collector of Cobb county has collected the taxes of said county, then, if such person or persons have paid all taxes required of them by the Constitution or laws of this State when such taxes were required to be paid, and such person or persons are otherwise qualified to vote under the laws of this State, then such person or persons shall be entitled to vote at any and all elections held in said county without registering, as required by the original Act, on taking the oath as prescribed in section 5032 of the Code of 1882, which oath shall be administered by the managers of the election when such person or persons shall apply to vote; and the provisions of this section shall apply to persons who, by reason of minority, were not liable for taxes, and by reason of which minority their names do not appear on the books of the tax receiver and the tax collector, but such persons became twenty-one years of age between the time for giving in and paying taxes and the election; *Provided*, such person or persons shall be required to register, as provided in the original Act, so soon as such person or persons shall become liable for taxes in the county of Cobb for and during the year voters are required to register in said county." So that said section, as amended, will read as follows: "That in case any person who shall have registered under the provisions of this Act, and who shall have moved from the militia district of his residence to some other militia district in

Sec. 5 amended.

New residents may vote without registering.

Persons attaining majority.

Proviso

Section as amended.

Registration Law for Bartow County

said county, on making oath that he has registered in terms of this Act in the district from which he moved, and that he would have been entitled to vote in said district from which he moved under the provisions of this Act had he remained in the same, shall be entitled to vote in the district in which he may be living at the time of making such oath; *and provided, further*, that when any person or persons otherwise qualified to vote under the laws of this State shall move into the county of Cobb after the tax collector of Cobb county has collected the taxes of Cobb county, then, if such person or persons have paid all taxes required of them by the Constitution or laws of this State, where such taxes were required to be paid, and are otherwise qualified to vote under the laws of this State, then such person or persons shall be entitled to vote at any and all elections held in this county without registering as required by the original Act and taking the oath prescribed in section 5032 of the Code of 1882, which oath shall be administered by the managers of the election where such person or persons shall apply to vote, and the provisions of this section shall apply to persons who, by reason of minority, were not liable for taxes, and by reason of which minority their names do not appear on the books of the tax receiver and tax collector, but such persons became twenty-one years of age between the time for giving in and paying taxes and the election; *Provided*, such person or persons shall be required to register, as provided in the original Act, so soon as such person or persons shall become liable for taxes in the county of Cobb, for and during the year voters are required to register in said county."

SEC. II. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 1, 1887.

REGISTRATION LAW FOR BARTOW COUNTY.

No. 267.

An Act to authorize and require the registration of all voters in the county of Bartow to prescribe penalties for violation of same, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act it shall be the duty of the tax collector of the county of Bartow, when he opens

Registrar.

Registration Law for Bartow County.

his books for the collection of taxes for each year, to open at the same time a book, in which he shall register as they severally pay their taxes, the names of all persons qualified as legal voters of said county, in other respects than as to the payment of taxes. The names of such voters shall be entered in said book in alphabetical order and by militia districts, and the white voters and the colored voters shall be kept separate. If the tax collector is not satisfied of such qualification as a voter of any person so paying taxes, he shall, before registering his name, make inquiry of such person concerning his qualification, and if still not satisfied, he shall require of such person an oath to the facts showing such qualification, which oath he is hereby authorized to administer; and all persons so sworn by him shall be so designated on the books of registration. Should any person fail to pay his tax to the tax collector and register as herein provided, and execution shall issue therefor, and the same is turned over to the Sheriff for collection, and such person shall pay said tax to said Sheriff, and satisfactory evidence of such payment is produced to the tax collector, it shall be his duty to register such person, if otherwise qualified; *Provided*, such payment is made and such name is entered under the provisions of this Act before the book of registration is closed.

Time of opening book, etc.

Regulations.

Oath of applicant.

Payment of taxes after execution.

SEC. II. Be it further enacted, That any person or persons otherwise qualified as voters, or who will by arrival at majority, continuance of residence or otherwise become so qualified during the year beginning on the first day of January next, after the opening of said book, but who for any cause are not liable to taxation in said county for the preceding year, may on application to the tax collector at any time, while said book is open, cause their names to be registered therein, the tax collector being satisfied or requiring oath as to their qualification as aforesaid. Should any such person or persons not be so qualified at the date of such registration, then the date at which he or they will become so qualified, as aforesaid, shall be noted opposite his or their names.

Persons attaining majority, new residents, etc.

Date of qualification.

SEC. III. Be it further enacted, That said book shall be kept open and said registration continued, until ten days before the last regular election to be held in said county, during the year beginning on the first day of January next, after the opening of said book; but should any special election be thereafter held during said year, then said tax collector shall, as soon as said election is ordered or appointed, transcribe into said book of registration, the names of all voters qualified as aforesaid, who have paid their taxes for the preceding year since the closing of said book, and shall thereafter and until ten days before said special

Close of registration.

Special elections.

election, keep said book open in the usual manner for further registration as prescribed in section I. of this Act.

Registra-
tion by
proxy.

SEC. IV. Be it further enacted, That in order to register under the provisions of this Act, it shall not be necessary for the person registered to be present in person; *Provided*, the tax collector is satisfied of the legal qualifications of such person as a voter.

Lists, etc.

SEC. V. Be it further enacted, That the persons so registered shall be *prima facie* qualified to vote at all elections held in said county during the year beginning on the first of January after the opening of said registration; and said tax collector shall, ten days before the first of said elections make out and furnish to the commissioners of roads and revenue for said county, copies of the lists of names so registered, alphabetically arranged as hereinbefore provided for, together with the book of registration; said commissioners shall thereupon verify said lists by comparison with said book, and at once cause written or printed copies thereof to be made, which copies they shall authenticate by endorsing thereon the word "verified," together with the signature of at least one of said commissioners, and shall cause the same to be furnished to the election managers of the several districts in said county on the day of the election, the lists for each district to the managers therein, in the following manner: They shall deliver said lists to the sheriff of said county, or to his deputies, or to any constable of the county, who shall at once post at the voting place for each district a copy of the lists for that district, and another copy of the same they shall leave with the justice of the peace for the district, or if there be none, then with the notary public who is *ex officio* a justice of the peace, or if that office be also vacant, then with the constable or any freeholder of the district who will agree to deliver the same to the election managers at the time fixed for the election, and the person so entrusted with said lists shall so deliver the same; said copy lists and the lists so posted at the voting place, or any duly authenticated copy thereof, shall be used by said managers in holding said election; the sheriff or his deputies, or said constables, shall be entitled to one dollar for each district so furnished with said copy lists by them; and ten days before each subsequent election in said year, said tax collector shall furnish, as before, copies of all names added to said lists since the preceding copies were furnished, and said supplemental lists, together with the first and prior lists, the said commissioners shall cause to be furnished to the election managers on the day of the election under the regulations hereinbefore prescribed.

Registration Law for Bartow County.

SEC. VI. Be it further enacted, That any person voting at any election held in said county, after the passage of this Act, without having registered as in this Act provided, or who shall vote, or offer to vote, in the name of some person appearing on said lists other than his own, or who shall vote, or offer to vote, in any district other than that of his residence, or shall otherwise violate the provisions of this Act, shall be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code of Georgia. Illegal voting.

SEC. VII. Be it further enacted, That any person who, after being registered in one district in said county, shall remove to another district therein, may, on application to the tax collector, have his name transferred to the district of his residence. Changes of residence in county.

SEC. VIII. Be it further enacted, That the fact of being registered as a voter shall be only *prima facie* evidence of the qualifications of any person as such, and shall not be construed as exempting such person from challenge at the polls by the managers or others, nor from prosecution and punishment for illegal voting, if guilty of the same. Challenges.

SEC. IX. Be it further enacted, That if for any cause the lists of registered voters should fail to reach or be furnished the election managers of any district, as hereinbefore provided, then the election in that district shall be held under the general law, except that no one not a resident of such district shall vote therein. Elections held under general law, when.

SEC. X. Be it further enacted, That any tax collector who shall knowingly register as a voter any person not entitled under the provisions of this Act to be so registered, or shall refuse or knowingly omit to register any one so entitled, or shall knowingly omit, or add names improperly in making the copy lists for said commissioners, or shall willfully fail or refuse to furnish said lists, or shall willfully absent or conceal himself, or resort to any device to hinder, delay or prevent persons desiring to do so from paying their taxes or registering, shall in each case be guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4310 of the Code, and shall moreover forfeit all compensation allowed him under this Act. Misconduct of registrar.

SEC. XI. Be it further enacted, That should said tax collector for any cause fail or refuse to furnish to said commissioners, ten days before the election, the copy lists herein required, it shall be the duty of said commissioners to cause said lists to be made from the book of registration, under their supervision, and copies thereof furnished to the election managers, as hereinbefore provided. Failure to deliver lists.

SEC. XII. Be it further enacted, That any sheriff or his deputy, or any constable who shall, without providential hinderance, fail to perform his or their duty as to the posting and delivering of said copy lists, as hereinbefore prescribed, and any person entrusted with said lists for delivery to the election managers as afore-

Amending Registration Law of Telfair County

said, who shall, without providential cause, fail so to deliver the same, and any person who shall aid, abet, conspire, or do any Act to prevent such delivery, or who shall remove, deface or mutilate the copy lists posted as aforesaid, shall each be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code.

Compensation of registrar.
Expenses.
SEC. XIII. Be it further enacted, That the compensation for the services to be rendered by the tax collector under this Act shall be three cents for each name appearing on said lists, to be paid from the county treasury on the order of said commissioners, and the actual cost of printing, registration, books and other legitimate expenses, shall in like manner be paid out of the county treasury

SEC. XIV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 1, 1887.

AMENDING REGISTRATION LAW OF TELFAIR COUNTY.

No. 276.

An Act to alter and amend the Act of October 12th, 1885, to provide for the registration of the voters of the county of Telfair.

Registrar.
SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, that the duties of the registrar fixed by said Act shall be performed by the tax collector of the county, who is hereby made *ex officio* registrar, and without the taking of an additional oath.

Evidence of registration.
SEC. II That instead of the certificate required by said Act to be given to each person registering, the registrar shall stamp the words "Registered this the—day of—18—" upon the tax receipt of such person, and upon the stub in his book, and that the alphabetical list provided for in said Act shall be prepared by said collector and furnished to the Ordinary.

One registration per year.
SEC. III. That when a registration has been made, the registration shall hold good, and the lists shall serve at all elections that may be held during the year, and until the next registration is made, for the succeeding year.

Compensation of registrar.
SEC. IV. That as compensation for his services as registrar, and to cover his expenses incident to the same, the tax collector shall be paid, from the general fund of the county, the sum of seventy-five dollars.

Registration Law of Floyd County.

SEC. V. That if any person shall, between the times of registration, from having moved into the county, or having attained his majority, become entitled to vote, he shall be allowed to do so without registration. New residents, etc.

SEC. VI That all laws and parts of laws militating against this Act be, and the same are hereby repealed.

Approved October 3, 1887.

REGISTRATION LAW OF FLOYD COUNTY.

No. 289.

An Act to provide for the registration of voters in the county of Floyd; to require all voters to vote in their several precincts, and to prescribe penalties for violations of this Act.

The General Assembly of the State of Georgia do enact:

SECTION I. That from and after the passage of this Act, it shall be the duty of the tax collector of the county of Floyd, when he opens his books for the collection of the taxes for each year, to open at the same time a book in which he shall register as they severally pay their taxes, in alphabetical order and by militia districts, the names of all persons qualified as legal voters of said county in other respects than as to the payment of taxes. (This latter qualification he shall not inquire into except as to the taxes of the year in question.) If not satisfied of such qualifications as a voter, of any person so paying taxes, shall, before registering his name, make inquiry of such person concerning his said qualification, and if still not satisfied, require of such person an oath of the facts showing such qualification, which oath he is hereby authorized to administer, and all persons so sworn by him shall be so designated on said lists. Registrar. Registration. Oath of applicant.

SEC. II. Any persons otherwise qualified as voters, or who will, by arrival at majority, continuance of residence or otherwise become so qualified during the year, beginning on the first of January after the opening of said book, but who for any cause are not liable to taxation in said county for the preceding year, may, on application to the tax collector at any time while said book is open, cause their names to be registered therein, the tax collector being satisfied or requiring oath of their qualifications as aforesaid. Should any person not be so qualified at the date of such registration, then the date at which he will become so qualified as aforesaid shall be noted opposite his name. Persons not liable to taxation, etc.

SEC. III. Said book shall be kept open and said registration continued until ten days before the last regular election to be held in said county during the year beginning on the first of Jan- Close of registration.

Registration Law of Floyd County.

Special
elections.

uary next after the opening of said book. But should any special election be hereafter held during said year, then said tax collector shall, as soon as said election is ordered or appointed, transcribe into said book of registration the names of all voters qualified as aforesaid who have paid their taxes for said preceding year since the closing of said book, and shall thereafter, and until ten days before said special election, keep said book open in the usual manner for further registration as prescribed in section 1st of this Act.

Registra-
tion by
proxy.

SEC. IV. It shall not be necessary for any person to be present in person when registered, provided the tax collector is satisfied of the legal qualification of such person as a voter.

Lists, etc

SEC. V. The persons so registered shall be *prima facie* qualified to vote at all elections held in said county during the year beginning on the first of January after the opening of said registration, and said tax collector shall, ten days before the first of said election, make and furnish to the commissioners of roads and revenue for said county copies of the list of names so registered, alphabetically and by militia districts, as aforesaid, together with the book of registration. Such commissioners shall thereupon verify said lists by comparison with said book, and at once cause written or printed copies thereof to be made, which copies they shall authenticate by endorsing thereon the word "Verified," together with the signature of at least one of said commissioners, and shall cause to be furnished to the election managers of the various districts in the county on the day of the election (the list for each district to the managers therein) in the following manner: They shall deliver said lists to the sheriff of said county and his deputies, or to any constables of the county, who shall at once post at the voting place for each district a copy of the list for that district, and another copy of the same they shall leave with the justice of the peace for the district, or if there be none, then with the notary public, who is *ex officio* a justice of the peace, or if that office be also vacant, then with the constables, or any freeholder of the district, who will agree to deliver the same to the election managers at the time fixed for the election, and the person so entrusted with said copy shall so deliver the same. Said copy and the one so posted at the voting place, or any duly authenticated copy, shall be used by said managers in holding said election. The sheriff, or his deputies, or said constables, shall be entitled to one dollar for each district so presented with said copies by them, and ten days before each subsequent election in said year, said tax collector shall furnish as before copies of all names added to said lists since the preceding copies were furnished, and said supplemental lists, together with the first and prior lists, said commissioners shall

Registration Law of Floyd County.

cause to be furnished to the election managers on the day of the election under the regulations hereinbefore prescribed.

SEC. VI. No person shall be allowed to vote at any of said elections unless duly registered under the provisions of this Act, nor in any other district than that of his residence, under the penalties prescribed by law for illegal voting. But any person, who, after being registered in one district, shall remove to another, may, on application to the tax collector, have his name transferred to the district of his residence. Illegal voting.
Change of residence in county.

SEC. VII. The fact of being registered as a voter shall be only *prima facie* evidence of the qualifications of any person as such, and shall, by no means, be construed as exempting such persons from challenge at the polls by the managers or others, nor from prosecution and punishment for illegal voting, if guilty of the same. Challenges.

SEC. VIII. If for any cause the lists of registered voters should fail to reach or be furnished to the election managers of any district, as hereinbefore required, then the election in that district shall be held under the general law, except that no one not a resident of such district shall vote therein. Elections under general law—when.

SEC. IX. Any tax collector who shall knowingly register as a voter any person not entitled under the provisions of this Act to be so registered, or shall refuse or knowingly omit to register any one so entitled, or shall knowingly omit or add names improperly in making the copy lists for said commissioners, or shall willfully fail or refuse to furnish said lists, or shall willfully absent or conceal himself, or resort to any device to hinder or prevent persons who may desire to do so from paying their taxes, or being registered, shall, in each case, be guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4310 of the Code, and shall moreover forfeit all compensation allowed him under this Act. Misconduct of registrar.

SEC. X. Should said tax collector, for any cause, fail or refuse to furnish to said commissioners, ten days before the election, the copy lists herein required, it shall be the duty of said commissioners to cause said lists to be made from the book of registration under their supervision, and copies thereof furnished to the election managers, as hereinbefore provided. Failure to furnish lists.

SEC. XI. Any sheriff or his deputy, or constable, who shall, without providential hindrance, fail to perform his duty as to the posting and delivery of said copy lists as hereinbefore prescribed, and any person entrusted with said lists for delivery to the election managers, as aforesaid, who shall, without providential cause, fail so to deliver the same, and any person who shall aid, abet, conspire or do any act to prevent such delivery, or who shall remove, deface Misconduct of sheriff, etc.

Registration Law for Ware County.

or mutilate the copy lists posted as aforesaid, shall each be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code.

Duties of commissioners may be performed by two or more of them.

SEC. XII. The duties herein imposed upon said commissioners of roads and revenue may be performed by any two or more of them.

Compensation of registrar.

SEC. XIII. The tax collector shall receive as compensation for the duties imposed upon him by this Act two cents for each name so registered as a voter by him.

SEC. XIV. That all prior registration laws for said county and all laws in conflict herewith are repealed.

Approved October 5, 1887.

REGISTRATION LAW FOR WARE COUNTY.

No. 293.

An Act to provide for the registration of all voters in the county of Ware, and to provide for carrying the same into effect, and for other purposes.

Voters must register.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be unlawful for any person to vote or attempt to vote in any election in the county of Ware without having registered in manner as hereinafter provided.

Registrar.

Registration.

SEC. II. Be it enacted, That it shall be the duty of the tax receiver of Ware county, during the year 1887, and biennially thereafter, or during such years as elections are held for Governor and members of General Assembly, members of Congress, and presidential electors, to keep a book in which he shall enter upon application the names, in alphabetical order, of all persons entitled under the Constitution and laws of Georgia to vote in any election in this State, or who shall have resided in the State and county a sufficient time to entitle them to vote, provided they are qualified in all other respects, as required by law, and shall also enter the dates of becoming a citizen of the State and county.

Oath of applicant, etc.

SEC. III. Be it further enacted, Before the tax receiver shall register the name of any person desiring to vote, he shall administer to the applicant the following oath: "You do solemnly swear that you will full and true answer make to such questions as I may ask you touching your eligibility to vote in any election in Ware county. So help you God." And the tax receiver shall satisfy himself by questions, as well as from insolvent lists, that

Registration Law of Irwin County.

the applicant is entitled, under the Constitution and laws of the State, to vote before his name shall be registered.

SEC. IV. Be it enacted, That on the 15th day of September in each year, in which he is required to make a registration of the voters, the tax receiver shall close his work of registration, and by the first day of October thereafter he shall file with the Ordinary the original book of registration, together with copies thereof, for each voting precinct in the county. Close of registration.
Lists etc.

SEC. V. Be it further enacted, That it shall be the duty of the Ordinary of the county to compare the original registration book and copies thereof with the insolvent lists before the election for county officers, and upon each book, opposite each name, which is upon the insolvent list, he shall enter the words insolvent, and such persons shall not be entitled to vote in the election for county officers unless he can satisfy the managers of the election that all taxes have been paid. Duty of Ordinary.

SEC. VI. Be it further enacted, That it shall be the duty of the Ordinary to furnish to the managers of all elections a copy of the books of registration at each voting precinct on all days of election, and when the election is over it shall be the duty of the managers to return the same to the Ordinary. Lists for election managers.

SEC. VII. Be it further enacted, That the tax receiver shall receive one hundred dollars for his services, to be paid out of the general funds in the treasury of the county upon the order of the Ordinary or persons having control of the county matters. Pay of registrar.

SEC. VIII. Be it further enacted, That should any person vote or attempt to vote at any election of said county without having previously registered his name with the tax receiver, he shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 4310 of the Code of Georgia. Illegal voting.

SEC. IX. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 8, 1887.

REGISTRATION LAW OF IRWIN COUNTY.

No. 316.

An Act to provide for the registration of the qualified voters of the county of Irwin, and provide that the same shall be done before the tax receiver of said county, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the first day of January, 1888, it shall not be lawful for any person to vote or attempt to vote in any Voters must register.

Registration Law of Irwin County.

election to be held in the county of Irwin without having registered as hereinafter provided.

REGISTRAR. SEC. II. Be it further enacted by the authority aforesaid, That the tax receiver of said county of Irwin shall be the registrar of said county, who shall, before entering upon his duties as such before the Ordinary of said county, subscribe to the following oath: I do swear that I will not knowingly refuse to register as a voter any person who is legally qualified to vote under the provisions of the Constitution and laws of the State of Georgia, and that I will use my best efforts to prevent the registration of all persons not entitled to vote.

REGISTRATION. SEC. III. Be it further enacted, That it shall be the duty of the tax receiver of said county, during the year 1888, and while making his rounds for receiving returns of taxable property in said year, and biennially thereafter, to keep a book in which he shall enter the name upon the personal application of any person entitled under the Constitution and laws of the State of Georgia to vote in any election in this State; *Provided*, all persons applying to be registered shall have administered to them by the tax receiver, before entering their names, the following oath, which oath shall be written at the head of each list of voters, to-wit: I do swear that I have or will have attained the age of twenty-one years by the next general election to be held in this State; that I am a citizen of the United States, and that I have resided for the last twelve months in this State next preceding the election to be held in October next, and six months in the county of Irwin next preceding said election; that I have paid all taxes since the adoption of the present Constitution of this State that have been required of me previous to the present year and which I have had an opportunity to pay.

ILLEGAL VOTING. SEC. IV. Be it further enacted, That no person shall be entitled to vote at any election in said county unless he shall have registered as required by this Act, and any person who has not registered, and who shall vote or attempt to vote at any election, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 4310 of the Code of 1882.

LISTS, ETC., BY REGISTRAR. SEC. V. Be it further enacted, That said tax receiver shall enter the name of such person as registers in his book of registration in alphabetical order, each in his proper militia district, making a separate list of white voters and a separate list of colored voters.

CLOSE OF REGISTRATION. SEC. VI. Be it further enacted, That on or before the first day of August in each year in which he is required to make a registration of the voters, the tax receiver shall close his work of registration, and by the fifteenth day of August thereafter, he

Registration Law for Clay County.

shall certify to and file with the clerk of the Superior Court of said county the original book of registration.

SEC. VII. Be it further enacted, That it shall be the duty of the clerk of the Superior Court of said county to make a certified copy in book-form of the original book of registration for each militia district in the county, and send the same to a justice of the peace of each district at least fifteen days before the next general election to be held in said county; on failure to do so, he shall be guilty of a misdemeanor, and on conviction shall be punished as provided in section 4310 of the Code of 1882. Lists for election managers.

SEC. VIII. Be it further enacted, That it shall be the duty of the justice of the peace in each militia district to present to the managers of the next general election to be held in said county the book of registration furnished them by the clerk of the Superior Court of said county, to be used by the managers of the election in said districts. When said election is over, said managers of election shall return said book of registration to the said justice of the peace, to be preserved by him until future elections occur, when the same course shall be pursued with said list. Lists for election managers. Return of On failure of said justice of the peace and said managers to comply with this Act, said justice of the peace and said managers shall be guilty of misdemeanor, and on conviction shall be punished as provided in section 4310 of the Code of 1882.

SEC. IX. Be it further enacted, That the power to fix the fees of said receiver and clerk of the Superior Court for such work as this bill fixes upon them shall be vested in the grand jury of the county of Irwin, and when so fixed the Ordinary, or such person having control of the finance of the county, shall draw their warrant on the treasurer of said county for said sums so fixed. Fees, etc.

SEC. X. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 13, 1887.

REGISTRATION LAW FOR CLAY COUNTY.

No. 338.

An Act to authorize and require the registration of all voters in the county of Clay, in this State, and for other purposes herein mentioned.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the first day of January, 1888, it shall be unlawful for any person to vote or attempt to vote at any election held in Voters must register.

Registration Law for Clay County.

the county of Clay without having registered in the manner hereinafter provided.

Registrar. SEC. II. Be it further enacted by the authority aforesaid, That the tax receiver of said county of Clay shall be the registrar of said county, and shall, before entering upon his duties as such registrar, subscribe to the following oath before the Ordinary of said county, viz.: I do swear that I will not knowingly register as a voter any person who is not legally qualified to vote under the laws of this State and the provisions of the Constitution, and that I will use my best efforts to prevent the registration of all persons not entitled to vote.

Registrar. SEC. III. Be it further enacted, That it shall be the duty of the tax receiver of said county, during the year 1888, and biennially thereafter, or during each year, as elections are held for Governor, members of the General Assembly, members of Congress and presidential electors, to keep a book in which he shall enter, upon the personal application, the name of any person entitled under the Constitution and laws of the State of Georgia to vote at any election in this State; *Provided*, that before registering such persons the registrar shall administer to them the following oath, to-wit: "I do swear that I am a citizen of the United States, and that I have resided in the State of Georgia one year next preceding the coming election, and that I have resided in the county of Clay six months next preceding the coming election; that I am twenty-one years of age (or that I will attain the age of twenty-one before the day of such election) and have paid all taxes due by me, except for the year of this election. So help me God."

Illegal voting. SEC. IV. Be it further enacted, That no person shall be entitled to vote at any election held in said county unless he shall have registered as required by this Act; and any person who has not registered, as required by this Act, and who shall vote or attempt to vote at any election held in said county, shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in section 4310 of the Code of Georgia.

Manner of entering names. SEC. V. Be it further enacted, That said tax receiver shall enter the names of such persons as registered in his books of registration in alphabetical order, keeping a separate list of the white voters and a separate list of the colored voters.

Close of registration. SEC. VI. Be it further enacted, That on the fifteenth day of September in each year, in which he is required to make a registration of the voters of said county of Clay, the tax receiver shall close his work of registration.

Lists, &c. SEC. VII. Be it further enacted, That it shall be the duty of said tax receiver, within five days after the closing of said books of registration, to make out for each militia district in said county an alphabetical list of all the white registered voters, and also of all the colored registered voters, in said county, which lists shall

Registration Law for Meriwether County.

be certified to by said tax receiver, and be by him then turned over to the Ordinary of said county within six days after the closing of said books of registration in each year in which registration is required, and it shall be the duty of said Ordinary to send one of each of said lists of registered voters to the justice of the peace of each district in said county when he sends the election blanks to said district to be used by the managers of the election in said district. When said election is over, said justices of the peace or managers of elections shall return said lists to the Ordinary, to be preserved by him until the elections thereafter, when the same course shall be pursued with said lists.

SEC. VIII. Be it further enacted, That any person offering to vote at any election in said county shall be subject to challenge under the same rules and regulations as now govern, notwithstanding the provisions of this Act. ^{Challenges.}

SEC. IX. Be it further enacted, That the tax receiver shall receive fifty dollars (\$50) for his services in this connection, to be paid out of the general funds in the treasury of said county upon the order of the county commissioners. ^{Pay of registrar.}

SEC. X. Be it further enacted, That nothing herein contained shall apply to any person or persons arriving at the age of twenty-one years after the books of registration have been closed and before the election at which he offers to vote; *Provided*, he is otherwise qualified to vote under the laws of this State. ^{Persons attaining majority after close of registration.}

SEC. XI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 15, 1887.

REGISTRATION LAW FOR MERIWETHER COUNTY.

No. 357.

An Act to authorize and require the registration of all voters in the county of Meriwether, in this State, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be the duty of the board of commissioners of roads and revenues of the county of Meriwether to appoint for each militia district in said county at least one registrar of voters, who shall be a resident in said district, and who shall be duly sworn by some officer authorized to administer oaths faithfully to perform the duties of registrar as prescribed by this Act, and said commissioner shall furnish to each of said registrars a registration ^{Registrars.} ^{Registration books, etc.}

Registration Law for Meriwether County.

book, upon the top of each page of which shall be written or printed the following oath: "I do swear (or affirm) that I am twenty-one (21) years of age, have resided in this State one year and in this county six months next preceding the next election. I have paid all taxes which, since the adoption of the present Constitution of this State, have been required of me previous to this year, and which I have had an opportunity to pay, and I am a resident of this _____ district." And at the foot of each page shall be printed or written the following certificate: "I hereby certify that the parties named on this page' took and subscribed before me the foregoing oath on the date opposite their respective names. This _____ day of _____ 18-____ registrar _____ district, Meriwether county," and the said commissioners shall designate some convenient place or places in each militia district where such books shall be opened for the registration of voters, and shall give notice of the name of the registrar and the place or places of registration in each district and the period for registration by publishing the same in the newspaper in which the sheriff's sales for said county are published, for one week, and by posting printed or written notices thereof in one or more public places in each district.

Place of
registra-
tion, etc.

List of
tax de-
faulters.

SEC. II. Be it further enacted, That it shall be the duty of the tax collector of said county to furnish each of said registrars, before the opening of the books of registration, as in this Act provided, a full and complete list of the tax defaulters of said county since the adoption of the Constitution of 1877; and should there be any tax *fi. fas.* in the office of the commissioners of roads and revenues of said county, it shall be their duty to furnish a full and complete list of the same to each of said registrars before the opening of said books of registration.

Conduct
of regis-
tration.

SEC. III. Be it further enacted, That it shall be the duty of the registrars to open their books for the registration of voters at the places designated in their respective districts twenty-five (25) days before the first election for which registration is had, and shall attend at such places with their books from 10 o'clock a. m. to 4 o'clock p. m. daily (except Sundays) for ten (10) days (not including Sundays) in order that the qualified voters in said county may register in their respective districts, when more than one place in each district is designated for registration, the ten (10) days attendance shall be apportioned between the places, of which notice shall be given in the publication and posting aforesaid. All applications to register shall be in person and in the district of the applicant's residence, and the registrar shall administer to each applicant the prescribed oath and require him to subscribe his name thereunder. (The registrar shall attest on said book.

Registration Law for Meriwether County.

each cross-mark signature.) Said names shall be numbered consecutively, with the date of registration, and opposite shall appear the color and age of the voter, which he shall disclose before registering. The registrar shall certify to the correctness of each page of his book in the form printed or written thereon, and shall furnish to each person registering a certificate thereof in the following form:

"Georgia, Meriwether county. I certify that _____ Certificate.
duly registered before me this _____ day of _____ 18—
_____ registrar _____ district." But the registrar shall allow no applicant, whose name is upon the list of defaulters, furnished as herein provided, to register unless such applicant produces his Tax re-
tax receipts for the year or years in which he is in default, as receipts, etc..
appears from said list or lists, or produces other satisfactory evidence which must be other than his oath that such taxes have been paid. Nor shall he allow any applicant to register whom he knows, or from satisfactory evidence ascertains, to be disqualified to register and vote.

SEC. IV. Be it further enacted, That at the expiration of ten Close of
(10) days from the time the same are opened (Sundays not registration.
included), the registration books shall be closed, and shall be immediately delivered, certified as aforesaid, to the said board of commissioners, or one of them, and it shall be the duty of said board of commissioners to cause to be made from said books correct alphabetical lists of the registered voters, together with Lists, etc.
the color and age of each voter, and shall furnish to managers of elections printed lists as aforesaid of the voters on or before the opening of the polls thereat, and no person shall be allowed to vote whose name does not appear on said list, unless he presents his certificate of registration.

SEC. V. Be it further enacted, That the first registration under First reg-
the provisions of this Act shall be had as herein prescribed for istration.
the election to be held for the board of commissioners of roads and revenues for said county on the second Monday in January, 1888. This registration and the lists of voters prepared thereunder shall serve for all elections held in said county during the year 1888. The next registration shall be had for the election Subse-
to be held for county officers for said county on the first Wednes- quent reg-
day in January, 1889, and this registration and the lists of voters istrations.
prepared thereunder shall serve for all elections held in said county from said January election to the next regular election for Governor (not inclusive of the latter election). The next registration, as provided for by this Act, shall be had for the election to be held for Governor, State-house officers and members of the General Assembly on the first Wednesday in October, 1890,

Registration Law for Meriwether County

which registration shall serve for all elections held in said county for two (2) years after said October election, and all future registrations shall be had immediately preceding the general election for Governor, State-house officers and members of the General Assembly, and said future registrations shall serve for all elections in said county during the ensuing two (2) years after each registration.

Now residents,
persons
reaching
majority,
etc.

SEC. VI. Be it further enacted, That if any person is not qualified to vote at the first election covered by any one of such registrations on account of age or residence and yet will, by lapse of time, become qualified for some subsequent one, or shall, on account of sickness or absence during the entire period of registration be unable to so register, then such person may make an affidavit before the registrar of his district, or before the Ordinary of the county, in the form of the oath prescribed, together with the cause of his failure to register; and those so failing on account of sickness shall also present a physician's certificate of such sickness; thereupon a certificate of registration shall be delivered by the registrar or Ordinary to such person; and the affidavits shall be returned to the county commissioners at least five (5) days before the next election. Thereupon such persons shall be deemed legally registered and entitled to vote, and a supplemental list shall be made of such voters and furnished to the managers of elections along with the original lists.

Inspections by
grand jury.

SEC. VII. Be it further enacted, That after the lists hereinbefore provided for shall have been made, the books and affidavits shall be placed with the Ordinary for safe keeping, and shall be submitted to the inspection of each grand jury of the Superior Court of said county. The same books may be used for registration from time to time until they are filled, when new books shall be furnished under the same regulations.

Assistant
registrars

SEC. VIII. Be it further enacted, That said commissioners may, in their discretion, appoint assistant registrars with the same powers, duties and liabilities as the registrars, said assistant registrars to act only in the absence or sickness of the registrar. The term of office of the registrars shall be four years, and until their successors are appointed and qualified. All vacancies occasioned by death, resignation or otherwise shall be filled by said commissioners. The commissioners shall fix the compensation of the registrar and assistant registrars, which shall not exceed the sum of one dollar and fifty cents (\$1.50) for each day's actual service.

Vacancies.

Compensation.

Misconduct of
registrars.

SEC. IX. Be it further enacted, That if any registrar or assistant registrar shall fail to do his duty as prescribed in this Act, he shall be deemed guilty of a misdemeanor, and on conviction

Registration Law for Morgan County.

thereof shall be punished as prescribed in section 4310 of the Code of Georgia.

SEC. X. Be it further enacted, That if any person shall vote at any election in said county without having registered as aforesaid, he shall be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code of Georgia. Illegal voting.

SEC. XI. Be it further enacted, That the commissioners of roads and revenues of said county are hereby expressly authorized and empowered to prescribe such further rules and regulations for the government of registrations, and not in conflict with the provisions of this Act, as in their judgment may advance the purpose of this Act and prevent the registration of disqualified voters. Further rules, etc.

SEC. XII. Be it further enacted, That nothing in this Act shall be so construed as to authorize any one to vote who is disqualified under the Constitution of this State, nor to impair the right of challenge at the polls. Challenge, etc.

SEC. XIII. Be it further enacted, That all laws and parts of laws in conflict with this be, and the same are hereby repealed.

Approved October 20th, 1887.

REGISTRATION LAW FOR MORGAN COUNTY.

No. 366.

An Act to require and provide for the registration of all voters in the county of Morgan, and to provide for carrying the same into effect, and for other purposes therein named.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, the tax collector of the county of Morgan shall be, by virtue of his office, registrar of the voters of said county, and he shall, as such registrar, take an oath to faithfully discharge the duties imposed by this Act. It shall be the duty of said registrar to keep a book of registration, in which he shall enter, in alphabetical order, the name, together with place of residence of all persons applying for registration who are legally qualified to vote, or who will become legally qualified to vote at the election next after such registration, and he shall at the same time stamp or write the word "registered," both upon the tax receipt of the person registering, and upon the stub in his book of tax receipts, and where the person registering Registrar.

Registration.

Registration Law for Morgan County.

Opening
and close
of.Qualifica-
tions for
registry,
etc.Lists by
registrar.Lists for
election
managers.Illegal
voting.Certificate
of registra-
tion.

is not subject to taxation, the said registrar shall, at the time of registering such person, furnish him a certificate of registration, and the date of registration, and the year and election for which each person is registered shall be entered upon the stub-book, and also upon the tax receipt or certificate of registration, as the case may be. The books of registration shall be opened on the 1st day of September and closed on the 15th day of December of each year, but no person shall be qualified to vote at any election who shall not have registered twenty days preceding said election. Persons who arrive at the age of twenty-one years between 1st of April, when taxes are given in, and the day of election, and persons over 60 years of age who are not liable for and do not pay any tax, shall be required to apply in person to register, and no person shall be registered unless he is a citizen of the United States, and has resided in the State of Georgia one year and in said county six months next preceding the coming election and is twenty-one years of age, or will become so before said election, and has paid all State and county taxes which have been due by him except for the year of the election, of which facts the registrar may require the applicant to make oath before him when he is not satisfied as to the qualification of said voter. It shall be the duty of said registrar, immediately on the closing of his books, to make out separate alphabetical lists of the registered voters for each election and turn the same over to the board of commissioners of roads and revenues of said county.

SEC. II. Be it further enacted by the authority aforesaid, That the board of commissioners of roads and revenues of said county shall cause to be printed said alphabetical lists of said voters so registered, and shall cause copies of the same to be furnished to the managers of election at each precinct in said county, which copies shall be first verified from the registrar's lists before being turned over to said managers; and the managers shall not permit any person to vote at said election whose name does not appear on said lists, under all the pains and penalties prescribed by law for illegal voting; and any person voting at any of said elections without having been registered as aforesaid, or who shall vote in the name of some other person appearing on said list other than his own name, or otherwise violating the provisions of this Act, shall be punished as prescribed in section 4310 of the Code of 1882; *Provided*, That any person who presents his tax receipt with the word "registered" stamped or written thereon by said registrar, or a certificate of registration, as the case may be, shall be entitled to vote, although his name does not appear on the list in the hands of the managers of said election, unless said tax re-

Registration Law for Morgan County.

ceipt or certificate of registration, as the case may be, shall bear date less than twenty days before said election.

SEC. III. Be it further enacted by the authority aforesaid, That the commissioners of roads and revenues of said county be, and they are hereby vested with authority and power to provide for the registration of persons becoming qualified as voters after the closing of the books of registration and before they are again reopened, and of persons who were absent or providentially hindered from registering at the regular time, and supplemental lists of such persons so registering shall be made out and added to the regular lists and be used in the manner prescribed in this Act for the original registration, and said commissioners shall also have the power of providing for the registration of voters under the terms of this Act for any special election that may be had in said county; the registration lists to be made out and used as hereinbefore described; *Provided*, that nothing contained in this section shall give the said commissioners the power to authorize any person other than the tax collector to register said voters.

SEC. IV. Be it further enacted, That the commissioners of roads and revenues of said county shall furnish the said registrar a well-bound book for the purposes of registration, in which the names of all the voters of said county shall be entered together with the militia district in which they reside and the date of registration by the registrar as herinbefore prescribed, and the said registrar shall keep the registry list of each year separate, and it shall be the duty of said registrar to deposit said book with the county authorities on or before the day of said election.

SEC. V. Be it further enacted, That if at any time it shall be made to appear to the board of commissioners of said county by the petition of one or more citizens that the registrar has entered on the list or issued certificates of registration to any person not entitled to vote, then the said board shall have authority, and it is hereby made the duty of the same, to cause a rule to be issued against the registrar, calling upon him to show cause why said lists should not be corrected. The said registrar and the person alleged to be illegally registered shall each have five days' written notice of the hearing of said rule. If, upon the hearing, it should appear from the evidence offered that any person is illegally registered, the board of commissioners shall order the names of such illegally registered persons to be stricken from the lists, specifying the names of said illegally registered persons, and such persons shall not be allowed to vote unless he shall, upon a new application to register, remove the disqualification which has been adjudged against him. The registration of voters shall not be conclusive evidence of the right of the person registered to vote,

Registration Law for Brooks County

but the right of contest shall apply to all of the elections herein provided for.

Pay of
registrar.

SEC. VI. Be it further enacted, That the amount of compensation for the services to be rendered by said registrar, under the provisions of this Act, shall be two and one-half cents for each person registered, to be paid from the county treasury on the order of the commissioners of roads and revenues of said county.

SEC. VII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

REGISTRATION LAW FOR BROOKS COUNTY.

No. 367.

An Act to authorize, require and provide for the registration of the qualified voters of Brooks county; to designate the officer, whose duty it shall be to register said voters; to define his duties in relation to the registration of voters, and to fix his compensation for said service; to prescribe the oath to be administered by him to the voters before placing their names on the list of registered voters, and to provide a penalty for the violation of the provisions of this Act, and for other purposes.

Registrar.

Conduct,
etc., of
regis-
tration.

Qualifica-
tions for
registry,
etc.

SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, the tax collector of Brooks county shall be, by virtue of his office, registrar for said county, and shall take an oath before the Ordinary of said county faithfully to discharge the duties imposed by this Act. It shall be his duty as such registrar to register in a book to be kept for that purpose, all persons applying who are legally qualified to vote in Brooks county. He shall open his registration book for the purpose of registering the legal voters at the same time the tax books are opened for the purpose of collecting taxes, and keep the same open until Tuesday preceding the first Wednesday in January of each year at 4 o'clock p. m. All applications to register must be in person, and no person shall be registered unless he is a citizen of the United States; has resided in the State of Georgia one year, and in Brooks county six months preceding the next election to be held after his registration. No person shall register who is not twenty-one years

Registration Law for Brooks County.

of age, but applicants, who will reach that age before the next election, and who are otherwise qualified, shall be allowed to register. No person shall register who has not paid all taxes which, since the adoption of the Constitution of 1877, have been required of him, and which he has had a reasonable opportunity of paying, except taxes for the year of the election. It shall be the duty of said registrar, immediately after the close of his books, to make out alphabetical lists of the registered voters for each district in said county, and turn the same over to the Ordinary of said county. Lists by registrar.

SEC. II. Be it further enacted, That the Ordinary of said county shall cause to be printed said alphabetical list of such voters so registered, and shall cause to be furnished to the managers of each election precinct at every election, copies of the list for all the districts in the county, and the said managers shall not permit any person to vote at said election whose name does not appear on said lists. Lists for election managers.

Any person voting at any election without having registered as aforesaid, or who shall vote in the name of some person appearing on said list other than his own, shall, on conviction, be punished as prescribed in Section 4310 of the Code of 1882. Illegal voting.

SEC. III. Be it further enacted, That the registrar shall be paid one hundred dollars per annum for his services out of the county treasury, and the actual cost for printing and registration books shall also be paid out of the county treasury. Pay of registrar.

SEC. IV. Be it further enacted, That the registrar shall administer the following oath to all persons applying to register: "You do solemnly swear that you are a citizen of the United States; that you have resided in the State of Georgia twelve months and in Brooks county six months, or will have so resided when the next election occurs; that you have attained the age of twenty-one years, or will attain the same before the next election; that you have paid all taxes, which, since the adoption of the Constitution of 1877, have been required of you, and which you have had an opportunity of paying. So help you God." Oath of applicant.

SEC. V. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Registration Law for Campbell County.

REGISTRATION LAW FOR CAMPBELL COUNTY.

No. 394.

An Act to provide for the registration of the qualified voters of Campbell county; to provide who shall be entitled to vote at elections hereafter to be held in said county of Campbell, by complying with the provisions of this Act; and to provide penalties for the violation of the same, and for other purposes herein contained.

Act of Oct. 6, 1885, as to Sumter county made applicable to Campbell county.

SECTION I. Be it further enacted by the General Assembly of this State, and it is hereby enacted by the authority of the same, That the provisions of an Act, approved October 6th, 1885, and entitled "An Act to provide for the registration of the qualified voters of Sumter county, in this State, and to provide that no person shall be entitled to vote at any election hereafter to be held in said county of Sumter unless he shall have complied with the terms of this Act, and to provide a penalty for the violations of the provisions of this Act," be enforced and shall apply to the county of Campbell, in this State; that said Act shall go into effect and be enforced in said county of Campbell in the year 1888; that the said registration shall be had at any time after the first day of April, 1888, and before the first day of September, 1888, as provided by the Act aforesaid for the county of Sumter; that the said Act shall then be enforced in said county of Campbell in all respects except as may be hereafter prescribed.

When to go into effect.

SEC. II. Be it further enacted by the authority aforesaid. That the notice required by the Act aforesaid in the first section thereof, may be by posting a written or printed notice in each militia district at one or more public places in each of said districts for the period of ten days before the books are opened, instead of by publication, in the discretion of the board of commissioners of roads and revenues of said county of Campbell.

Notice

SEC. III. Be it further enacted by the authority aforesaid. That the electors of said county of Campbell may vote at any election precinct in said county.

Electors may vote at any precinct.

SEC. IV. That the provisions of section 8 of the Act aforesaid shall, so far as the county of Campbell, in said State, is concerned, be extended to any election for electors for the State at large and for the several electors in and for the Congressional districts, for President and Vice-President of the United States, so as to prescribe the same qualification for the persons who vote at the

Registration for pre-identical elections, etc.

Registration Law for Thomas County.

elections of Presidents and Vice-Presidents, or their electors, of the United States of America.

SEC. V. Be it further enacted, That the compensation of the ^{Fees} said several registrars and their assistants shall not exceed 3 cents each for the persons registered.

SEC. VI. Be it further enacted, That the provisions of this Act shall only apply to the county of Campbell, as it is not enacted to repeal, modify, change or affect the law as to the county of Sumter in this State. And should the same be repealed at any time as to the county of Sumter, the same shall be still the law as to the county of Campbell, unless this Act be itself repealed, modified, changed, except as prescribed by this Act. ^{This Act applies only to Campbell county.}

SEC. VII. Be it further enacted, That all laws and parts of laws militating against this Act be, and they are hereby repealed.

Approved October 22, 1887.

REGISTRATION LAW FOR THOMAS COUNTY.

No. 408.

“An Act to require and provide for the registration of the legal voters of Thomas county; to designate the officer whose duty it shall be to register said voters, fix his compensation and duties in relation to the registration of voters, and to prescribe the oath to be administered by him to the voters of said county before placing their names upon the list of registered voters, and for other purposes”

SECTION. I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, the tax collector of Thomas county shall be, by virtue of his office, registrar for said county, and shall take an oath before the Ordinary of said county faithfully to discharge the duties imposed by this Act. It shall be his duty, as such registrar, to register in a book to be kept for that purpose all persons applying, who are legally qualified to vote in Thomas county. He shall open his registration book for the purpose of allowing the qualified voters of said county to register at the same time the tax books are opened for the purpose of receiving taxes, and keep the same open until the 20th day of December in each year, closing the same at 4 o'clock p. m. on that day. All applications to register must be in person, and no person shall be registered unless he is a citizen of the United States, has resided in the State of Georgia one year, and in Thomas county six months preceding the next election to be held after his registration. ^{Registrar.} ^{Oath.} ^{Registration.}

Registration Law for Thomas County.

No person shall register who is not twenty one (21) years of age, but applicants who will reach that age before the next election, and who are otherwise qualified, shall be allowed to register. No person shall register who has not paid all taxes which, since the adoption of the Constitution of 1877, have been required of him, and which he has had a reasonable opportunity of paying, except taxes for the year of the election. It shall be the duty of said registrar, immediately after the close of his books, to make out alphabetical lists of the registered voters for each district in said county, and to turn the same over to the Ordinary of said county.

Lists by
registrar.

SEC. II. Be it further enacted, That said Ordinary of said county shall cause to be printed said alphabetical lists of such voters so registered, and shall cause to be furnished to the managers of each election precinct at every election copies of the list for the district in which they sit, and the said managers shall not permit any person to vote at said election whose name does not appear on said lists, under all the pains and penalties prescribed by law for illegal voting. Any person voting at any election without having registered as aforesaid, or who shall vote in the name of some person appearing on said lists other than his own, shall be punished as prescribed in 4310 of the Code of 1882.

Lists for
election
managers,
etc.

Illegal
voting.

SEC. III. Be it further enacted, That all persons voting shall vote in the district in which they reside and for which they are registered.

Voters
must vote
in district
of res-
idence.

Compensa-
tion of reg-
istrar, etc.

SEC. IV. Be it further enacted, That the compensation for the services rendered by the registrar shall be one hundred and fifty (\$150) dollars per annum, to be paid out of the county treasury. The actual cost of printing and registration book shall also be paid out of the county treasury.

Change of
residence
in county.

SEC. V. Be it further enacted, That in case any person who shall have registered under the provision of this Act, and who shall move from the militia district of his residence to some other militia district in said county, on making oath that he has registered in terms of this Act in the district from which he moved, and that he would have been entitled to vote under the provisions of this Act in said district from which he moved, had he remained in the same, shall be entitled to vote in such district in which he may be living at the time of making such oath.

Miscon-
duct of
registrar.

SEC. VI. Be it further enacted, That in case said registrar shall refuse to allow any person to register offering to register, and entitled to register under the provisions of this Act, shall be punished as prescribed in section 4310 of the Code of 1882.

Oath of ap-
plicant.

SEC. VII. Be it further enacted, That all persons registering shall, before registrar places their names upon the list, take the following oath, which shall be administered by the registrar: You do solemnly swear that you are a citizen of the United States, that you have resided in the State of Georgia twelve (12) months,

Registration Law for Burke County.

and in Thomas county six (6) months, or will have so resided when the next election occurs, that you have attained the age of twenty-one (21), or will attain the same before the next election, that you have paid all taxes, which, since the adoption of the Constitution of 1877, have been required of you, and which you have had an opportunity of paying. So help you God.

SEC. VIII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

REGISTRATION LAW FOR BURKE COUNTY.

No. 415.

An Act to require and provide for the registration of voters of the county of Burke, State of Georgia, in all Federal, State, county and municipal and other elections held therein, and to provide the details thereof, and appropriate penalties for its violation.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, there shall be a registration of all legal voters of said county of Burke every two years for the purposes and in the manner hereinafter specified. Registration required.

SEC. II. Be it further enacted, That it shall be the duty of the commissioners of roads and revenues of said county, at their regular court on the second Tuesday in January, 1888, and on the same day every two years thereafter, to elect some suitable person as registrar of voters for said county, whose term of office shall be two years from the date of his election, and in case of failure to elect that day from any cause, then on any other day within twenty days, as may be fixed by said board of commissioners, and the person thus elected at this irregular time shall be considered as holding his office from the said second Tuesday of said month of January, and in case said commissioners should change the time of holding their court to any other day in January, then said election to be had on such other day, or within twenty days thereafter, as may be fixed by said court, and every two years thereafter, as hereinbefore provided. Registrar, etc.

SEC. III. Be it further enacted, That said registrar of voters, Bond. before entering upon his term of office, shall be required to give bond with good security in the sum of five hundred dollars, and the said registrar individually, and his securities on said bond, shall

Registration Law for Burke County.

Oath.

be held responsible for the payment of any taxes due by any person who may have been registered by said registrar, to be recovered in one or more suits by the board of county commissioners of Burke county, and shall take and subscribe before said commissioners the following oath of office in a book provided for that purpose, to-wit: "I do solemnly swear that I will well and faithfully perform all and singular the duties of registrar of voters of the county of Burke, State of Georgia, as prescribed by law, and that I will not knowingly and willfully register any voter who is not legally qualified to vote by the laws of the State. So help me God."

Conduct of registrar, etc.

SEC. IV. Be it further enacted, That it shall be the duty of said registrar of voters, on the first day of April, 1888, and on the same day every two years thereafter to proceed to register all the legal voters of said county of Burke in a book kept by him for that purpose. Said registration to be made alphabetically, keeping a separate list for each militia district or voting precinct. It shall be his duty to open his registration book at each and every precinct or voting place in said county, winding up at Waynesboro, the county site, first giving full and ample notice of the time of opening his registration book at the respective precincts by publication, in the gazette of the county in which sheriff sales are published, and also by printed hand-bills, properly circulated and posted over the county. He shall give at least ten days for registration of voters at Waynesboro, of said county, and at each and every other precinct or voting place in the county, he shall give at least three days for the registration of voters. He shall also have discretion to extend the time of registration of each voting place in the county, and of making more than one round in the county should he deem it best for a full and complete registration of voters. It shall be his duty to so arrange his registration work as to close his book of registration by 15th day of September, 1888, and on the same day every two years thereafter.

Correction of lists by registrar, etc.

SEC. V. Be it further enacted, That it shall be the duty of said registrar, at any time before the final closing of his book of registration, to correct, review, and revise his registration list, hear any complaints for non-registration or illegal registration, and to admit to registration any legal voter who, from cause, may have previously failed to register, taking care to place the name of any newly registered person upon the list of the militia district to which they respectively belong.

Qualifications for registry.

SEC. VI. Be it further enacted, That all applications for registration shall be *in person*, and the qualifications of applicants shall be as follows, to-wit:

Registration Law for Burke County.

1st. That he is of the age of twenty-one, or will be by the first election under this registration.

2d. That he has resided one year within the State and six months within the county of Burke next previous to the first election under this registration.

3d. That he has paid all State and county taxes required of him, and which he has had an opportunity of paying, since the adoption of the Constitution of 1877, that is to say, since January, 1878, except the year of his voting ; and in no case shall the registrar allow any person to register as a voter who does not have all the above qualifications; and the said registrar, in his discretion, in doubtful cases, may administer to applicants of registration the following oath, to-wit: "I do solemnly swear that I am of the age of twenty-one years, or that I will be by the time of the first election under this registration; that I will have resided within the State of Georgia one year, and in the county of Burke six months next previous to the first election under this registration, and that I have paid all State and county taxes required of me and which I have had an opportunity of paying since the adoption of the Constitution of 1877, except the year in which I present myself for voting. So help me God." The above and foregoing oath only to be administered in the discretion of the registrar, and not to be considered by him as final and conclusive, as the qualifications of a voter, he having full authority by this Act to seek other testimony and enquire fully into the qualifications of any voter before admitting him to registration.

Oath of applicant.

SEC. VII. Be it further enacted, That it shall be the duty of the registrar, in the discharge of his official duties, to examine carefully and keep in view all tax *fs.* against tax defaulters since January 1, 1878, found on file in the office of the commissioners of roads and revenue of said county, and also to provide himself with a certified list of all such tax defaulters, and in no case shall he register any voter whose name is found upon said defaulting list and against whom there is a tax *fs.* *fa.* unsatisfied for any year since January 1st, 1878, unless such positive proof shall be adduced before him as shall satisfy him fully that said tax *fs.* *fa.* against such defaulter has been paid off and discharged, and in all such cases report the fact to the commissioners of roads and revenue of said county that they may order the same entered satisfied.

Tax defaulters, etc.

SEC. VIII. Be it further enacted, That it shall be the duty of the registrar to furnish himself with a seal of office, and in the registration of voters it shall be his duty to furnish each regis-

Registration Law for Burke County.

tered voter with a certificate of registration substantially as follows:

BURKE COUNTY, GA.

Certificate. I certify that I have duly registered
as a voter of the district,
G. M., of said county.
Witness my hand and seal of office,
this the day of 18..

.....
Registrar of Voters B. C.

Lists by registrar
Lists for election managers etc.
SEC. IX. Be it further enacted, That upon the closing of his book of registration it shall be the duty of the registrar to make out a full and complete copy of said registration from his book. He shall then certify said copy and said book to be correct under his hand and seal of office, and file both in the office of said commissioners of roads and revenue; and when thus filed, it shall be the duty of said commissioners to cause to be printed said certified registry of voters, and cause copies thereof to be furnished, on the day of election, to the managers of elections at the respective precincts in the county; and it shall be the duty of said managers, at each and all of said precincts in said county, to allow no one to vote who does not at the time of offering to vote present to said managers *his certificate of registration, or whose name does not appear upon said registered list of voters*; and all managers violating any of the provisions of this Act, and all voters violating the provisions of this Act, shall respectively be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code of Georgia of 1882.

Books, etc., to be furnished registrar.
SEC. X. Be it further enacted, That it shall be the duty of the commissioners of roads and revenue of said county to furnish the said registrar with all books, seals of office and printed blanks necessary and proper for said registration, and pay all printing bills and other legitimate expenses thereof subject to their revision and approval, including also a fair compensation to said registrar for his services; all to be paid from the county treasury under the approval of said commissioners; and in no case shall said commissioners pay to said registrar for his two years' service a sum exceeding the sum of three hundred dollars.

Voting in district of residence.
SEC. XI. Be it further enacted, That in all elections under this registration Act, the voters shall be required to vote at the election precincts of their respective militia districts in said county, unless it should so happen that there should be no election at any one precinct, then, and in that case, the voters of any such district shall be permitted and allowed to vote at any precinct in the county.

Registration Law for Burke County.

SEC. XII. All complaints for non-registration, and all complaints for illegal registration, may be heard by way of appeal before the commissioners of roads and revenue of said county at a called meeting, upon notice to the registrar and the complaining party, and the hearing before them shall be final and conclusive on all questions of registration. Correction of defects in registration.

SEC. XIII. Be it further enacted, That all the foregoing provisions of this Act, and the registration list under this Act, shall be applicable to and be used at the election in October, 1888, for Governor, members of the Legislature and State-house officers; at the election in November, 1888, for members of Congress and President of the United States, and at all like elections every two years thereafter; also at the elections for county officers in January, 1889, and at the like election every two years thereafter; also at any and all other special elections held in said county between the completion of the registration list for any one year, and the completion of the same two years thereafter. All registration lists of voters being made up every two years, as required by this Act, shall be used for two years from the date of the completion of the registration list for any one year to the completion of the same two years thereafter. First and subsequent registrations.

MUNICIPAL ELECTIONS.

SEC. XIV. Be it further enacted, That it shall be the further duty of said registrar to register annually the legal voters of the city of Waynesboro, and the town of Midville, of said county of Burke; and with this view it shall be his duty to repair annually to said corporate towns at least thirty days before the respective elections for mayor and councilmen, and prepare and make up for each of them a full and complete alphabetical registration of the legal voters of said respective towns, in all cases closing his registration books at least five days before their respective elections; and upon the completion of said registrations, he shall certify to the correctness of his registration book, and file the same with the said respective mayor and councilmen for their use at their annual elections; the qualification of voters at said respective municipal elections shall be the same as those prescribed by this Act for voters at other elections, with the exception of the additional qualification that they must be citizens of said respective corporate towns. Municipal elections, etc.

SEC. XV. Be it further enacted, That it shall be the duty of the registrar to furnish each registered voter of said towns with a certificate of registration under his hand and seal of office; - and in no case shall the managers of election for either of said towns allow any one to vote at their annual elections who, Certificates for, etc.

Amending Registration Law for Floyd County.

at the time of offering to vote, shall not present to said managers *his certificate of registration, and whose name does not appear upon the registration list of said town*, it being the duty of the mayor and councilmen of said respective corporations to furnish said managers, at each election, with a certified copy of the registered voters of said respective municipalities, and in case the managers of said municipal elections, or the voters thereat, shall violate any of the provisions of this Act, they shall be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code of Georgia of 1882.

Illegal
voting,
etc.

Expenses
of regis-
tration.

SEC. XVI. Be it further enacted, That it shall be the duty of the mayor and councilmen of said respective municipalities to pay all expenses of their registration, including the compensation of the registrar for his service, each corporation deciding for themselves what shall be a fair and just compensation for said registrar, and when thus fixed shall pay over the same promptly unto him.

SEC. XVII. Be it further enacted, That this Act shall operate as a repeal of all previous, registration Acts for said county of Burke, and of all Acts and parts of Acts conflicting with this Act.

Approved October 22, 1887.

AMENDING REGISTRATION LAW FOR FLOYD COUNTY.

No. 417.

An Act to amend "An Act to require and provide for the registration of all voters in the counties of Floyd, McDuffie, Burke, Randolph, Elbert, Oglethorpe, Wilkinson, Greene, Washington, Walton, Morgan, Lowndes, Emanuel and Pulaski, and to provide for carrying the same into effect, and for other purposes," so far as the same relates to the county of Floyd, by striking therefrom said county of Floyd.

SECTION I. The General Assembly of the State of Georgia do enact, That the above entitled Act and the caption thereof be, and are hereby amended by striking therefrom the county of Floyd.

Floyd
county
stricken
from oper-
ations of
certain
registra-
tion law.

Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Amending Registration Law for Lowndes County.

AMENDING REGISTRATION LAW FOR LOWNDES COUNTY.

No. 447.

An Act to amend an Act entitled an Act to require and provide for the registration of all voters in the counties of Floyd, McDuffie, Burke, Randolph, Elbert, Oglethorpe, Wilkinson, Greene, Washington, Lowndes and others, approved October 3d, 1885, so far as the same applies to the county of Lowndes, so that an election may be held at any time when ordered or fixed by law without requiring a registration more than once a year. Also further amending said Act so far as it relates to the county of Lowndes, so as to allow registered voters to vote in any district in said county.

SECTION I. Be it enacted by the General Assembly of Georgia, That the Act entitled an Act to provide for the registration of all voters in the counties of Floyd, McDuffie, Lowndes, etc., approved October 3d, 1885, be amended, so far as the same relates to the county of Lowndes, so that no more than one registration shall be had in said county in one year, and any person legally registered at the registration immediately next preceding any election held in said county of Lowndes shall be entitled to vote in said election. Act of
October 3,
1885,
amended.

Annual
registra-
tion.

SEC. II. Be it further enacted, That section 1st of the Act above recited be amended so far as the same relates to the county of Lowndes by striking out the following sentence in the 14th, 15th, 16th, 17th and 18th lines, to-wit: "All persons voting shall vote in the district in which they reside and for which they are registered; *Provided*, there is a voting precinct established in said district, and if there is no such precinct, then at any precinct in the county," and inserting in lieu thereof the words: "All persons voting may vote at any precinct in the county of Lowndes." Voters
may vote
at any
election
precinct.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
Approved October 22, 1887.

AMENDING REGISTRATION LAW FOR OGLETHORPE COUNTY.

No. 454.

An Act to alter and amend the registration Act for Floyd, McDuffie, Burke, Randolph, Elbert, Oglethorpe, Wilkinson, Greene, Washington, Walton, Morgan, Lowndes, Emanuel and Pulaski counties, approved October 3d, 1885, so far as the same applies to the county of Oglethorpe, so as to provide that there shall not be exceeding one registration in each year of the voters of said county, and less, if practicable; to allow the voters, in certain cases, to register by proxy, and to allow voters to vote at any voting precinct in said county, and for other purposes.

Annual
registra-
tion, etc.

SECTION I. Be it enacted by the Legislature of Georgia, That from and after the passage of this Act, the above-recited Act be so amended (so far as it applies to the county of Oglethorpe) that there need be but one registration of voters in each year; and that the commissioners of roads and revenues of said county be vested with the power and authority to decide upon the necessity of whether a registration oftener than every two years is necessary, and have power to provide for the registration of persons becoming qualified as voters after the last registration, and previous to the election, and of persons who were absent or providentially hindered from registration at the regular time; *Provided*, that nothing herein contained shall authorize the commissioners of said county to omit to provide for a registration of voters preceding any election hereafter to be held in said county under any local option law now passed, or hereafter to be passed, by the General Assembly. But the registrar of said county shall, in all cases, close his books of registration ten days before any election.

Where vot-
ers must
register
and vote.

SEC. II. Be it further enacted, That the voters of said county shall be required to register for the district in which they live, or for the district the precinct of which is nearest their residence, and shall not be allowed to vote at any other precinct except that for which they are registered.

Lists.

And the commissioners of said county shall cause to be furnished to the managers of each election precinct a printed list of the registered voters of their precinct for every year or two years, as the case may be, together with such supplemental lists as may be required, previous to an election.

Registration Law for Worth County.

SEC. III. Be it further enacted, That the registrar of said county may register by proxy such voters as he, from his own knowledge, knows to be qualified voters of said county; and said registrar shall stamp or write the word "registered" both upon the tax receipt of the person registering, and also upon the stub in their book of tax receipts, together with the date of registration and the year for which said person is registered; and in case the person registering has no tax receipt, then a certificate of registration from the registrar shall be sufficient. Registration by proxy.
Certificates.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

No. 487.

REGISTRATION LAW FOR WORTH COUNTY.

An Act to provide for the registration of the qualified voters of Worth county, and to provide that the same shall be done before the justices of the peace and notaries public of the militia districts of said county; to prescribe their duties in this connection and fix their compensation; also to fix the time, place and manner of such registration; also to provide that no person shall be entitled to vote in any election to be held hereafter in said county of Worth unless he shall have complied with the terms of this Act, and to provide a penalty for the violation of the provisions of this Act, and for other purposes.

SECTION I. Be it further enacted by the General Assembly of this State, That from and after the first day of January, 1888, it shall not be lawful for any person to vote or attempt to vote, in any election in the county of Worth, without having registered in the manner as hereinafter provided. Registration required.

SEC. II. Be it further enacted by the authority aforesaid, That the justices of the peace and notaries public of the militia districts of said county of Worth, or in case there be no justice of the peace or notary public in any militia district, then the Ordinary shall appoint a suitable person of said district to be registrar of said district, shall be registrars of said county of Worth, and shall, before entering upon their duties as such, before the Ordinary of said county, take and subscribe to the following oath: Registrars.
Oath of.
I do swear that I will not knowingly register as a voter any per-

Registration Law for Worth County.

son who is not legally qualified to vote under the laws of this State and the provisions of the Constitution, and that I will use my best efforts to prevent the registration of all persons not entitled to vote.

Registration, etc. SEC. III. Be it further enacted, That it shall be the duty of the registrars of said county, during the year 1888, and biennially thereafter, or during each year that elections are held for Governor, members of the General Assembly, members of Congress and Presidential electors, to keep a book, in which he shall enter upon the personal application of any person entitled under the Constitution and laws of Georgia to vote in any election in this State; *Provided*, all persons applying to be registered shall do so in the respective militia districts in which they reside, and shall be registered in and for said districts; and before registering such persons said registrar shall administer to them the following oath: I do swear that I reside in _____ district, G. M., of said county; that I have attained the age of twenty-one years; that I am a citizen of the United States, and have resided for the last twelve months in this State next preceding the election to be held in October next, and six months in the county of Worth next preceding said election; that I have paid all taxes since the adoption of the present Constitution of this State that has been required of me previous to this year, and which I have had an opportunity to pay.

Oath of applicant. SEC. IV. Be it further enacted, That no person shall be entitled to vote at any election in said county unless he shall have registered as required by this Act, and any person who has not registered, and who shall vote, or attempt to vote, at any election in said county, shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in section 4310 of the Code of Georgia.

Illegal voting. SEC. V. Be it further enacted, That said registrars shall enter the names of such persons as register in his book of registration in alphabetical order, keeping separate lists of the white voters, and a separate list of the colored voters.

Lists by registrar. SEC. VI. Be it further enacted, That on the fifteenth day of September, in each year in which they are required to make registration of the voters, the registrars shall close their work of registration, and by the twentieth day of September, thereafter, they shall file with the Ordinary of said county the original books of registration.

Close of registration. SEC. VII. Be it further enacted, That it shall be the duty of the Ordinary of said county to make out for each militia district a complete list of the white registered voters, and also of the colored registered voters, separately and in alphabetical order, of

Lists for election managers, etc.

Amending Registration Law for Wilkinson County.

such militia district, and send the same to the justice of the peace of each district when he sends the election blanks to said district to be used by the managers of the election in said district; when said election is over, said justice of the peace, or managers of elections, shall return said lists to the Ordinary, to be preserved by him for the inspection of the grand jury until the elections thereafter, when the same course shall be pursued with said lists.

SEC. VIII. Be it further enacted, That any person offering to vote at any election in said county shall be subject to challenge under the same rules and regulations as now govern, notwithstanding the provisions of this Act. Challenges.

SEC. IX. Be it further enacted, That the registrars shall receive three cents per capita for each and every person registered by them, for their services in this connection, to be paid out of the general funds of said county upon the order of the Ordinary, and the Ordinary one cent. Pay of registrars.

SEC. X. Be it further enacted, That nothing herein contained shall apply to any person or persons arriving at the age of twenty-one years after the books of registration shall have been closed, and before the election at which he offers to vote; *Provided*, he is otherwise qualified to vote under the laws of this State. Attaining majority after close of registration.

SEC. XI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING REGISTRATION LAW FOR WILKINSON COUNTY

No. 506.

An Act to amend the registration law of Wilkinson county.

SECTION I. Be it enacted by the General Assembly, That from and after the passage of this Act that no person shall be permitted to vote at any election in Wilkinson county, when a general election in the county is held, unless he shall produce to the managers of elections a certificate of registration, or show by the books of registration, or otherwise, that he was duly registered for the election at which he offered to vote. Proof of registry.

SEC. II. Be it further enacted, That the justice of the peace, in each militia district of Wilkinson county shall act as registrars, shall be provided with a suitable book, to be known as a book of registration; also, shall be provided with blank certificates of registration. The registrar shall not register the name of any person who does not reside in his militia district. The Registrars, etc.
Registration.

Amending Registration Law for Dodge County.

Pay of registrars.

registrar shall not register any person who is not qualified to vote under the laws of this State, and no person shall be permitted, unless he shall produce to the registrar a receipt or other satisfactory proof of the payment of all taxes chargeable against him, except for the year in which he votes. The grand jury, at the spring term of the Superior Court, shall fix the compensation of the registrars, which shall include the cost of books and blank certificates of registration, and the same shall be paid by the county out of the county treasury.

Opening of books, etc.

SEC. III. Be it further enacted, That the books of registration shall be opened thirty days before each and every general election in the county of Wilkinson, and shall be kept open for twenty days. The registrars shall post, in three or more conspicuous places in each military district, a notice for five days, of the time and place of opening the books for the registration of voters.

SEC. IV. Be it further enacted, That the registrars are hereby authorized to register any one that may become qualified, by age or otherwise, after the books have been closed.

Certificate of registration. Challenges.

SEC. V. Be it further enacted, That the registrars shall be required to issue to each person who may register within the time prescribed herein, a certificate of registration. The vote of any person holding such certificate may be challenged at the election, as now prescribed by law, and the managers of elections may throw out any illegal vote, as now provided by law.

Must vote in district of residence.

SEC. VI. Be it further enacted, That all persons voting at any election held generally in the county of Wilkinson, shall be required to vote in the militia district in which he resides.

SEC. VII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

AMENDING REGISTRATION LAW FOR DODGE COUNTY.

No. 545.

An Act to amend an Act entitled "An Act to provide for the registration of the legal voters of Dodge county, and to provide a penalty for illegal voting, or attempting to vote illegally.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority afore-

Sec. 4 amended.

Registration Law for Richmond County.

said, That from and after the passage of this Act, that section four of the above-named Act be, and the same is hereby amended by adding the following proviso at the end of the section, to-wit: *Provided, any person or persons desirous of registering, and entitled to register under the provisions of this Act, may apply to the Ordinary of the county after the 15th of September, at the time the tax receiver is required to close his books of registration, and register by complying with the terms of the original Act; Provided, such application must be made to the Ordinary ten days before the election, so that said section, as amended, will read as follows:* "That on the 15th day of September in each year in which he is required to make a registration of the voters, the tax receiver shall close his work of registration, and by the first day of October thereafter, he shall file with the Ordinary the original book of registration, together with copies thereof for each voting precinct in the county; *Provided, any person or persons desirous of registering, and entitled to register under the provisions of this Act, may apply to the Ordinary of the county after the 15th of September, at the time the tax receiver is required to close his books of registration, and register by complying with the terms of the original Act; Provided, such application must be made to the Ordinary ten days before the election.*"

Registration after close of books.

Section as amended.

SEC. II. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Approved October 24th, 1887.

REGISTRATION LAW FOR RICHMOND COUNTY.

No. 546.

An Act to require registration of voters in Richmond county.

SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, the qualified voters in Richmond county, in this State, shall be registered in the manner and at the times herein named before they shall be permitted or allowed to vote in any State or county election held therein.

Registration required.

SEC. II. Be it further enacted, That the tax collector of said county shall be the registrar for said county, and it shall be his duty to open a book for the registration of voters on the first

Registrar.

Registration Law for Richmond County.

Time for
registra-
tion, etc.

Monday in January, 1888, and biennially thereafter, and to keep such book open until the 25th day of December in each year they are open; *Provided*, that in case an election, other than the biennial January election for county officers, is ordered or held under any law, in any year when, under the provisions hereinbefore mentioned the registration books are not opened, it shall be the duty of said registrar to open the same for registration of voters as soon as said election is ordered, and to keep said books open till within ten days of said election; *Provided further*, that said books, in the year the same are kept open, shall be closed ten days before the next election held.

Notice.

SEC. III. Be it further enacted, That the registrar shall give thirty days notice of the opening of said registration books by publication in one or more of the public gazettes of said county, and by posting at the court-house door, and the various justice court grounds, and in any village or town in said county, which said notice shall also contain notice of the location of the registrar's office, the day said books will be closed, the office hours of said registrar and a copy of the oath each applicant will be required to take before registering.

Conduct of
registra-
tion, etc.

SEC. IV. Be it further enacted, That said registrar shall daily, Sundays and legal holidays excepted, open his office for the registration of qualified voters, by himself or deputy. Within thirty days before the registration books are closed for any election to which this Act applies, the registrar, or his deputy, for the purpose of registering the qualified voters thereof, shall attend at least two days, and longer if necessary, at the court-ground of each militia district in said county; said attendance shall be on court days when practicable; notice of the days on which and the hours at which he will attend, shall be given by the registrar by posting a notice at each court-ground at least ten days before the date of his attendance, and also by publication in one or more public gazettes in the county. Said registrar, or his deputy, when practicable, shall visit the various factories, mills, machine-shops and other public places where large bodies of voters are employed for the convenience of voters in registering.

Oath of ap-
plicant,
etc.

SEC. V. Be it further enacted, That all registration shall be in person, and each applicant for registration shall take, before said registrar or his deputy, the following oath, which shall in every case be actually administered by the registrar, or his deputy: "I do swear (or affirm) that I am twenty-one years of age (or will be before the next succeeding election); that I have resided in this State one year and in this county six months, or will have so resided previous to the next succeeding election; that I have paid all taxes which, since the adoption of

the present Constitution of this State, have been required of me previous to this year, and which I have had an opportunity to pay; that I am a resident of——district, or city of Augusta." No person shall be allowed to register who does not take such oath, and who has not paid the State and county taxes required under the Constitution of 1877.

SEC. VI. Be it further enacted, That said registrar shall register the name of each person qualified and complying with the terms of this Act in a suitably prepared book, in which shall be entered the date of each application for registration, the name and color of the applicant, the district or place of his residence; and said registrar shall certify to the correctness of each page of said book on which the names of persons registered appear as follows: "I, (A. B.), do hereby certify that the parties named on this page, having taken the oath prescribed for registration and being otherwise qualified, were by me duly registered as voters in Richmond county. This——day of——18——." Book and lists, etc.
Certificates.

SEC. VII. Be it further enacted, That whenever said registration books are open for the registration of voters as herein provided, it shall be the duty of said registrar to keep a plainly printed notice of the fact that the registration books are open, and have the same fully exposed to view in his office; and it shall further be his duty whenever a male citizen of said county pays taxes, to call attention to the fact of said books being open, in order to give said citizen notice of the fact and an opportunity to register, if he is otherwise qualified and desires so to do. Notice that books are open, etc.

SEC. VIII. Be it further enacted, That should said registrar refuse to register any qualified voter who is not in arrears for taxes required to be paid as a condition precedent, said registrar shall be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code. If said registrar shall register any person not qualified to vote in said county, or any voter who has not paid the taxes required under the Constitution of this State, said registrar shall be responsible for the taxes of said illegally registered voter, as in case of taxes actually collected and received by the tax collector and not paid over. Misconduct of registrar.

SEC. IX. Be it further enacted, That ten days before any State or county election, or any election held under the laws of this State, said registration books shall be closed, and said registrar shall proceed to make from said registration books correct alphabetical lists of the registered qualified voters, giving the color and place of residence, grouping them according to their districts or place of residence. A certified copy of such list shall be furnished to the managers of election at each voting precinct in the county on or before the opening of the polls; and said Close of registration.
Lists for election managers, etc.

Registration Law for Richmond County.

Illegal
voting.

managers shall not allow any person, except as herein provided, to vote, whose name does not appear on said list, under penalty of being guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4310 of the Code. And if any person, except as herein provided, whose name does not appear on said list, shall vote at any such election, or if any other person shall vote in the name or under the name of a person whose name does appear on said list, such person so offending shall be punished as prescribed by law for illegal voting. A copy of said list shall be posted, as soon as prepared, at the courthouse door in said county. The actual printing expenses for said copies shall be paid out of the treasury of said county.

Registration
after
close of
books.

SEC. X. Be it further enacted, That after the close of said registration books, any voter otherwise qualified to register, upon taking the proper oath and making it to appear that by absence from the county or from providential cause, he was unable to register, may at any time, before the day of election, obtain from said registrar a certificate that he is a qualified voter for said election, and register after the close of the books, and the preparation of the lists had begun. Upon delivering said certificate with his ballot to the managers, said voter shall be authorized to vote, as though his name appeared on said list.

Separate
books for
each year

SEC. XI. Be it further enacted, That separate books for registration shall be opened for each of the calendar years in which voters shall be required to be registered under the provisions of this Act. And that as each registration book is finished, the same shall be delivered to the receiver of tax returns for use in preparing his book for the year succeeding.

Pay of
registrar.

SEC. XII. Be it further enacted, That said registrar shall receive ten cents for each legally registered voter, registered in accordance with the provisions of this Act, to be paid out of the county treasury.

Oath of
registrar.

SEC. XIII. Be it further enacted, That before entering upon the duties of registrar, said registrar shall take the following oath before the judge of the city court of said county: "I (A. B.) do swear (or affirm) that I will well and truly perform the duties required of me as registrar." Said registrar shall have authority

Deputies.

to appoint two deputies, who shall qualify and be liable as a registrar, and for whose acts the registrar shall be responsible. If for any cause the tax collector refuses to act, or neglects to qualify, or fails to open the registration books within five days after they are required to be open, it shall be the duty of the judge of the city court of Richmond county, *ex officio* commissioner of roads and revenues of said county, or his successors in the management of county affairs, to appoint a registrar who shall qualify

Failure
of regis-
trar to act,
etc.

Registration Law for Laurens County.

in the manner herein provided, and whose duties, powers and liabilities shall be as set forth in this Act. Said person so appointed shall give bond in the sum of one thousand dollars, and shall have free access to the tax books and tax entries for the purpose of seeing if applicants for registration have paid taxes due.

SEC. XIV. Be it further enacted, That nothing herein contained shall be construed to authorize any unqualified person to vote, even if such person be registered. Voters must be qualified, though registered.

SEC. XV. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved October 24th, 1887.

REGISTRATION LAW FOR LAURENS COUNTY.

No. 557.

An Act to provide for the registration of the legal voters of Laurens county, and to provide a penalty for illegal voting, or attempting to vote illegally.

SECTION. I. Be it enacted by the General Assembly of this State, That from and after the first day of September, 1888, it shall be unlawful for any person to vote or attempt to vote at any election in the county of Laurens without having registered in the manner as hereinafter provided. Registration required.

SEC. II. Be it further enacted by the authority aforesaid, That at any time after the first day of January, 1888, and before the first day of August, 1888, and every two years thereafter between the same dates, the Ordinary of the county of Laurens shall cause to be opened books of registration for the qualified voters of said county, and shall, by publication in one of the newspapers published in said county, give ten days' notice of the day on which said books of registration shall be opened, and said notice shall also specify the day on which said books of registration shall be closed. Conduct, etc., of registration.

SEC. III. Be it further enacted, That the justice of the peace in each militia district of Laurens county shall act as a registrar for the militia district in which he resides, and each registrar shall, before entering on the discharge of his duty, take an oath, administered by the Ordinary, to discharge faithfully and impartially the duties imposed by this Act; *Provided*, nothing herein contained shall prevent the Ordinary from appointing, in his discretion, any resident of a militia district, other than a justice of the peace, to act as registrar. Registrar. Oath.

Registration Law for Laurens County.

Qualifications for registry.

SEC. IV. Be it further enacted, That every application for registration under this Act shall be made in person to the registrar of the militia district in which the applicant resides, and every male citizen of the United States (except as otherwise provided by law), who will have attained the age of twenty-one years, and will have resided in the State one year, and in the county of Laurens six months next preceding the election at which he offers to vote, and who shall have paid all taxes due the State and county from the adoption of the present Constitution to the date of application for registration, except for the year in which the registration is being had, shall be entitled to register.

Supervision of registration by Ordinary, etc.

SEC. V. Be it further enacted, That the Ordinary of Laurens county shall have the supervision and control of the registration provided in this Act, and shall have power to discharge, at his discretion, any one of the registrars and appoint new ones, to prescribe at what times and places in said militia districts in said county the registrars shall attend, to prescribe the forms of books to be used, and generally to make all rules and regulations for said registration not inconsistent with this Act nor with the Constitution and laws of this State.

Oath of applicant.

SEC. VI. Be it further enacted, That if any registrar is in doubt as to the right of the applicant to register, said registrar shall have the power, and it shall be his duty, to administer to the applicant the following oath, which oath shall be subscribed by the party taking the same: "I do swear (or affirm) that I will be twenty-one years of age, will have resided in this State one year, and in the county of Laurens six months next preceding the election at which I may offer to vote; and have paid all State and county taxes due by me since the adoption of the present Constitution, except for the present year." And any such oath shall be returned by the registrar to the Ordinary.

Close of registration.

Lists by registrar.

For election managers.

SEC. VII. Be it further enacted, That said books of registration shall be closed at any time specified by the Ordinary after the first day of September of the year in which said registration books are opened for registration, and immediately thereafter each registrar shall arrange the names of the persons registered in alphabetical order, keeping the white polls separate from the colored polls, and shall certify the same to be a true, correct and full list of the persons registered, and shall turn over said list and the books of registration to the Ordinary, and the Ordinary shall cause to be furnished to the managers of elections, at each election precinct in said county, printed lists of said registered voters.

SEC. VIII. Be it further enacted, That no person shall be entitled to vote at any election in the county of Laurens unless he shall

Registration Law for Laurens County.

have registered, as required by this Act, and any person who has not registered, as required by this Act, and who shall vote or attempt to vote at any election in the county of Laurens, shall upon conviction be punished as prescribed in section 4310 of the Code of Georgia. Illegal voting.

SEC. IX. Be it further enacted, That for all elections for congressman, for county officers, or for any special election held after the general October election, the Ordinary of Laurens county shall cause the last preceding registration lists to be revised so as to include any person who may have become qualified to vote since the last preceding election, and so as to exclude any who may have become disqualified, and in making such revision, said registrars shall be governed by such rules as may be prescribed by the Ordinary, and when the said lists are revised, they shall be furnished the managers of each said elections, and no person at any of said elections shall be entitled to vote unless his name appears on said registration lists, or said revised lists, and in order to carry out the provisions of this section, the registrars shall at any time after the close of any registration enter the name of any person upon application, who, since the books were closed, has become qualified to vote by reason of age or residence under the Constitution and laws. Special elections, etc.

SEC. X. Be it further enacted, That registration of the qualified voters of Laurens county shall be held every two (2) years, closing as provided for in section seven (7) of this Act, and all the provisions of this Act shall apply to each subsequent registration thereunder and with the qualifications therein provided, and no person, except such as have registered, shall be entitled to vote for members of Congress, Governor, State-house officers, members of the Legislature or county officers to be voted for in said county; *Provided*, that the provisions of this Act for the registration of the legal voters of Laurens county shall apply to any special election held in said county before the first day of September, 1888, and such registration shall be under the supervision and control of the Ordinary, who shall give notice of the time the books of registration shall open and of the time said books of registration shall be closed, by publication in said county ten (10) days before said books of registration are opened, and by causing the same to be posted in three or more conspicuous places in each militia district, allowing said book of registration to be opened not less than, thirty (30) days, and to be closed not less than ten (10) days before any such special election. Registration biennial.

SEC. XI. Be it further enacted, That each registrar for the labor herein imposed shall be paid five (5) cents for each name Pay of registrar.

Registration Law for Macon County

registered by him in accordance with the provisions of this Act, and the Ordinary shall have authority to draw his warrant on the county treasurer of said county for such compensation, and for books, printing of lists, and other expenses connected with said registration: *Provided*, that said compensation of registrars, and other expenses connected with said registration, may be regulated by the grand jury of said county at any term of Superior Court before registration commences in any year, and the Ordinary shall be authorized to draw his warrant on the said county treasurer for such compensation and other expenses as said grand jury may recommend.

SEC. XII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

REGISTRATION LAW FOR MACON COUNTY.

No. 566.

An Act to provide for the registration of the qualified voters of Macon county, Georgia, and for other purposes therein contained.

SECTION I. The General Assembly of the State of Georgia do enact, That from and after the passage of this Act, it shall be the duty of the tax collector of the county of Macon, when he opens his books for the collection of the taxes for each year, to open at the same time a book in which he shall register, as they severally pay their taxes, in alphabetical order, and by militia districts, the names of all persons qualified as legal voters of said county. If not satisfied of such qualification as a voter of any person he shall, before registering his name, make inquiry of such person concerning his said qualification, and if still not satisfied, require of such person an oath, of the facts showing such qualification, which oath he is hereby authorized to administer, and all persons so sworn by him shall be so designated on said lists.

SEC. II. Be it further enacted, That any persons otherwise qualified as voters, or who will, by arrival at majority, continuance of residence or otherwise, become so qualified during the year beginning on the first day of January after the opening of said book, but who, for any cause, are not liable to taxation in said

Registration Law for Macon County.

county for the preceding year, may, on application to the tax collector at any time while said book is open, cause their names to be registered therein, the tax collector being satisfied or requiring oath of their qualification as aforesaid. Should any such person not be so qualified at the date of such registration, then the date at which he will become so qualified, as aforesaid, shall be noted opposite his name.

SEC. III. Be it further enacted, That said book shall be kept open, and said registration continued until ten (10) days before the last irregular election to be held in said county during the year beginning on the first of January next after the opening of said book. But should any special election be thereafter held during said year, then said tax collector shall, as soon as said election is ordered or appointed, transcribe into said book of registration the names of voters, qualified as aforesaid, who have paid their taxes for said preceding year since the closing of said book, and shall thereafter, and until ten (10) days before said special election, keep said book open in the usual manner for further registration. Time for registration.
Special elections.

SEC. IV. Be it further enacted, That it shall not be necessary for any person to be present in person when registered; *Provided*, the tax collector is satisfied of the legal qualification of such person as a voter, as prescribed in the first section of this Act. Registration by proxy.

SEC. V. Be it further enacted, That the persons so registered shall be *prima facie* qualified to vote at all elections held in said county during the year beginning on the first of January after the opening of said registration, and no person shall be qualified to vote at any of said elections unless so registered; and said tax collector shall, ten (10) days before the first of said elections, make and furnish to the commissioners of roads and revenue for said county copies of the lists of names so registered, alphabetically and by militia districts as aforesaid, together with the book of registration. Said commissioners shall thereupon verify said lists by comparison with said book, and at once cause written or printed copies thereof to be made, which copies they shall authenticate by endorsing thereon the word "verified," together with the signature of at least one (1) of said commissioners, and shall cause to be furnished to the election managers of each district in the county on the day of the election in the following manner: They shall deliver said lists to the sheriff or his deputies, or to any constable, who shall at once post one copy thereof at the voting place in each district in the county, and another copy of the same he shall leave with the justice of the peace of the district, or if there be none, then with the Lists etc., for election managers.

Gates Across Certain Public Road in Stewart County.

TITLE VI.

ROADS AND BRIDGES.

ACTS.

Gates across certain road in Stewart county.
 Bridges over water-courses dividing Clarke and Oconee counties.
 Payments of road accounts of Chattooga county.
 Appropriation of money to public bridges in Dodge county.
 Width of roads, etc., in Towns county.
 Authorizing City Council of Fort Gaines to bridge Chattahoochee river.

GATES ACROSS CERTAIN PUBLIC ROAD IN STEWART COUNTY.

No. 132.

An Act to allow the land-owners of lots numbers 154, 155, 156, 165 and 166, in the twentieth (20) district of Stewart county, to put up gates across the public road, known as the "Cuthbert and Florence road," at any point where said road may pass over said lots.

Preamble. WHEREAS, Lots of land numbers 154, 155, 156, 165 and 166, situate in the 20th land district of Stewart county, are also situate in the southwest corner of the 796th district, Georgia Militia, which is what is termed a fence district, whilst the districts south and west of it are "stock law districts;"

AND WHEREAS, The public road, known as the Cuthbert and Florence road, runs through the corner of the first mentioned district and lots of land aforesaid, and is used for the exclusive benefit of the districts where the stock law prevails;

AND WHEREAS, It is inconvenient and expensive to the land-owners to keep up a lane for the benefit of the common users of said road, or to erect gates at the district line as now allowed by law—

SECTION I. Be it therefore enacted by the General Assembly of the State of Georgia, That from and after the passage of this

Bridges Over Water Courses Dividing Clarke and Oconee Counties.

Act, that the land-owners of land lots numbers 154, 155, 156, 165 and 166, in the twentieth (20) district of Stewart county, be, and they are hereby authorized to erect, at their own expense, suitable gates on said lots at any point where said Cuthbert and Florence road may pass over aforesaid lots.

Owners of certain land authorized to erect gates across public road.

SEC. II. Be it further enacted by authority aforesaid, That if any person or persons shall willfully tear down any one of said gates, or shall willfully neglect or fail to shut the same after passing through said gate, in traveling over said road, shall be liable to be indicted as for a trespass, and shall upon conviction be punished as provided in section 4310 of the Code of Georgia of 1882.

Injury, etc., to gates.

SEC. III. Be it further enacted by authority of the same, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved August 10th, 1887.

BRIDGES OVER WATERCOURSES DIVIDING CLARKE AND OCONEE COUNTIES.

No 197.

An Act to allow the proper authority of the county of Oconee, in conjunction with the proper authority of the county of Clarke, to build or have built bridges over any water-course dividing the two said counties, or have the same repaired by complying with certain provisions set out in this Act, and for other purposes.

SECTION I. Be it enacted, That from and after the passage of this Act, the proper authority of the county of Oconee, in conjunction with the proper authority of the county of Clarke, may contract for the building or repairing of any bridges over any water-course dividing the two said counties--by private contract or by advertising and letting the contract for the building of said bridges or making said repairs at the site thereof to the lowest bidder--as may seem best to the said two authorities, although said building or repairs may exceed the sum of five hundred dollars in cost, and may also, as in their judgment seems best, let said contract without requiring the contractor thereof to give bond and security to keep said bridges or repairs in good condition for not less than seven years.

Contract for bridging or repairing.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21, 1887.

PAYMENT OF ROAD ACCOUNTS OF CHATTOOGA COUNTY.

No. 265.

An Act to provide for the payment of accounts of road contractors against Chattooga county for work done in the year 1884, upon the public roads of said county, and for other purposes therein mentioned.

WHEREAS, In the year 1884, the proper road authorities of the county of Chattooga, in this State, appointed and acting under the provisions of "An Act of the General Assembly of Georgia entitled an Act to alter and amend the roads laws of this State so far as relates to the county of Chattooga, and to authorize the board of roads and revenues, or if no board, then the Ordinary of said county, to levy and collect a tax for road purposes, approved September 26th, 1883," did let out to the lowest bidders," in accordance with said Act, the working and keeping in repair of the public roads of said county for and during said year; and

WHEREAS, By the great number of defaults in payment of the tax for road purposes in said Act provided for, and the miscalculation by said road authorities of the amount to be realized from the collection of such tax for said year, there now remain due and unpaid against said county, in favor of road contractors, for work done upon said public roads during said year, under contracts made as aforesaid, accounts amounting originally to about eleven hundred dollars (\$1,100): therefore,

Payments
of accounts
for work
done in
1884, etc.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That within thirty days after the passage of this Act, it shall be the duty of the Ordinary of Chattooga county to give notice, by due publication in the *Chattooga News*, to all persons holding claims or accounts against said county for work done under contract, for and during the year 1884, upon the public roads of the county, to present such claims or accounts to him by January 1st, 1888, to be examined and audited. And when such accounts or claims are so presented to such Ordinary, it shall be his duty to carefully examine the same, and if any claim or account is found to be just, true and unpaid, wholly or in part, it shall be the duty of such Ordinary to enter thereon, in writing, the following words, substantially, to-wit: "Examined, audited and approved for \$—, with interest thereon from the—day of—188—. This—day of—188—, indicating in the blanks the amount of principal found due, the date when same became due and date of approval; and he shall thereupon enter in a book the said dates, amounts and name of contractor.

Payment of Road Accounts of Chattooga County.

SEC. II. Be it further enacted, That on the first day of January, or so soon thereafter as he can do so, the supervisor of public roads of said county shall ascertain from said Ordinary the amount, principal and interest, of accounts so approved; and in making his estimates and contracts for the year 1888 said supervisor shall deduct from the estimated amount of *ad valorem* tax for the year, for road purposes, an amount sufficient to pay the principal and interest of said accounts. To be deducted from *ad valorem* tax.

SEC. III. That so soon as the *ad valorem* tax, or a sufficient amount thereof, levied and collected for road purposes in said county for the year 1888, shall come into the hands of said supervisor of public roads, then it shall be his duty at once, out of the funds so arising, to pay off said accounts so audited and approved when presented to him, paying the principal sum, indicated by the Ordinary in each case, with interest thereon at the rate of seven (7) per cent. per annum from date when found due by said Ordinary; and said supervisor of public roads is hereby authorized and directed to so pay said accounts out of said fund, and to withhold the amount so paid from the road fund of said county, expended for road expenses for the year 1888; and said accounts or orders so approved, with receipt of persons respectively holding them, entered thereon, shall be held and taken as good and sufficient vouchers for the amounts, principal and interest, indicated in such receipts. Payments, when and how made, etc.

SEC. IV. That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 1, 1887.

 Appropriation of Money to Public Bridges in Dodge County

 APPROPRIATION OF MONEY TO PUBLIC BRIDGES IN DODGE
COUNTY.

No. 285.

An Act to provide for the disposition and appropriation to public bridges, in Dodge county, of all moneys in the county treasury of said county by virtue of "An Act to provide for the disposition of all moneys in the hands of superintendents of roads and treasurers of boards of road commissioners in the State at the time of the passage of an Act, approved December 13th, 1884, entitled an Act to repeal an Act to provide for an additional system of working public roads in this State; to appoint a board of road commissioners for the several counties, to define their powers and duties, and to authorize the payment of a commutation tax in lieu of road-working, and for other purposes, approved September 28th, 1883; to provide a penalty for said superintendents of roads and treasurer of boards of road commissioners failing to pay over the said moneys as herein directed, and for other purposes, approved October 17th, 1885; to prescribe the manner of appropriating said moneys, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, that all moneys in the county treasury of Dodge county arising by virtue of an Act to provide for an additional system of working public roads in this State; to appoint a board of road commissioners for the several counties; to define their powers and duties, and to authorize the payment of a commutation tax in lieu of road-working, and for other purposes, approved September 28th, 1883, be, and the same is hereby authorized and directed to be paid out by the treasurer of said county of Dodge in building or repairing the public bridges of said county, or for such other county purposes as the proper authorities of said county may order said moneys to be paid out by order of the Ordinary or the proper authorities of said county of Dodge, and not otherwise.

 Money ap-
propri-
ated.

 How and
to what to
be paid.

SEC. II. Be it further enacted by authority of the same, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 5th, 1887.

Width Public Roads in Towns Co — City Council Fort Gaines Authorized to Bridge Chattahoochee.

WIDTH OF PUBLIC ROADS IN TOWNS COUNTY.

No. 300.

An Act amending an Act entitled An Act requiring the roads of Rabun, Towns, Union, Fannin, Gilmer and Pickens to be made 14 feet, side digging.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, an Act to alter and amend section 638 of Irwin's new Code, so that as applicable to the counties of Fannin, Gilmer, Pickens, Union, Towns and Rabun, section 639 of Irwin's new Code shall read as follows: Act requiring roads to be certain width, etc., repealed as to Towns county.

"They shall be at least fourteen feet wide, side digging, and be cleared of all stumps, grubs and bushes at least sixteen feet wide, and of such limbs of trees as may incommode horsemen and carriages and trees, no matter what distance on either side of said road, which are likely to fall in or across said road, shall be felled; the carriage-tract must be at least five feet six inches wide," be, and the same are hereby repealed so far as the same relates to the county of Towns.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 8th, 1887.

CITY COUNCIL OF FORT GAINES AUTHORIZED TO BRIDGE CHATTAHOOCHEE RIVER.

No. 461.

An Act to authorize and empower the city council of Fort Gaines to purchase or build a bridge across the Chattahoochee river at Fort Gaines, Georgia, and to issue bonds to the amount of ten thousand dollars (\$10,000) for the payment of said bridge, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the city council of Fort Gaines is hereby authorized and empowered to erect a free bridge across the Chattahoochee river at Fort Gaines, Georgia, or purchase the existing bridge across said river at Fort Gaines, Georgia, upon such terms, limitations and conditions as the city council of Fort Gaines May erect or purchase free bridge.

City Council of Fort Gaines Authorized to Bridge Chattahoochee River.

and the owners of said bridge may agree, not inconsistent with the provisions of this Act.

SEC. II. Be it further enacted, That for the purpose of providing a fund for the purchasing or for building a bridge across said river, as provided in the preceding section, it shall be the duty of the city council of Fort Gaines to issue bonds, not to exceed \$10,000 in amount, in such denominations as they may deem advisable, and to bear not exceeding eight per cent. interest per annum, which is to be paid annually, and if the existing bridge across said river at Fort Gaines is purchased by said city council, then as a further security for the ultimate redemption of said bonds and the interest as the same may become due, in addition to the faith of the city of Fort Gaines being pledged for their payment, the said city council is hereby authorized to mortgage the bridge so purchased for the purpose of securing the holders of the bonds so issued, the property so pledged to be expressed in the face of the bonds so issued; and said bridge so purchased shall be, together with its income of rents or tolls, held, managed and controlled by such persons and their successors as the said city council may by contract with the present owners determine. Each of such persons and their successors shall give a good and sufficient bond for the faithful performance of their trust; the amount of such bond and the sufficiency of the security shall be determined by the city council of Fort Gaines, and be approved by the mayor of said city and the chairman of the finance committee of said city council.

SEC. III. Be it further enacted, That all the income, rents or toll arising from said bridge so purchased shall be safely and accurately kept separate from all other funds whatsoever, and in no case mixed with funds belonging to said city. The money arising from said rents or tolls shall not be used or appropriated in any way whatever, except in payment of the actual and necessary current expenses of said bridge—such as the hire of a bridge-keeper, repairs and insurance, and all balances after payment of said expenses shall be appropriated to the payment of interest on said bonds as it falls due, and also to the payment of the principal of said bonds as it falls due.

SEC. IV. Be it further enacted, That for the purpose of further providing for the prompt payment of the bonds so issued for purchasing or building a bridge, as stated in the foregoing sections, including both principal and interest when same shall become due, said city council is also authorized and required, if necessary, to levy, impose and collect such tax upon the taxable property in said city as will be necessary to carry out the pro-

City Council of Fort Gaines Authorized to Bridge Chattahoochee River.

visions of this Act, and to adopt such fair and equitable assessment of said property for taxes as they may deem wise and just.

SEC. V. Be it further enacted, That the bonds issued to purchase or build a bridge as herein stated, shall become due and be paid, and shall be cancelled fifteen years from the date of said bonds. But all or any one of said bonds may be called in and paid off at par, and then cancelled at any time before maturity if the managers of said bridge, having the money on hand, deem it wise to do so. Said bonds, or the proceeds thereof, shall not be used for any purpose whatever except for the purposes herein stated. Maturity, etc., of bonds.

SEC. VI. Be it further enacted, That the question of issuing bonds to purchase or to build a bridge as aforesaid, shall be submitted for ratification or rejection to the qualified voters of the city of Fort Gaines, at an election to be held as soon as practicable after the passage of this Act, said election to be held and determined in accordance with the law of force at the time of holding such election for such purposes made and provided. At such election every person qualified to vote for members of the General Assembly shall be entitled to vote who have resided continuously in said city six months preceding said election. All persons voting at said election in favor of issuing bonds shall write or have printed on their ballots the words, "For issuing bonds," and all persons opposed to issuing bonds shall write or have printed on their ballots the words, "Against issuing bonds." That should two-thirds of the qualified voters of said city vote in favor of issuing such bonds, it shall be the duty of the city council of Fort Gaines to proceed immediately to carry out the provisions as herein prescribed; *"Provided,* that should the owner of the existing bridge across said river sell the same to the city council of Fort Gaines for a sum not exceeding eight thousand dollars, then, and in that event, said city council shall not build a new bridge, nor shall they issue bonds, as provided for in this Act, to exceed eight thousand dollars." Election under this Act.

Purchase at certain price.

SEC. VII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

Stock Law for Certain Districts of Stewart County.

TITLE VII.

FENCES AND STOCK.

ACTS.

Stock law for certain districts of Stewart county.
 Stock law for Fulton county.
 Stock law for certain districts of Harris county.
 Stock law for certain districts of Crawford county.
 Stock law for 882d district of Schley county.
 Stock law for Lee county.
 Stock law for 743d district of Taylor county.
 Stock law for 786th district of Taylor county.

STOCK LAW FOR CERTAIN DISTRICTS OF STEWART COUNTY.

No. 165.

An Act to require the owners of horses, mules, cows, hogs, sheep, goats and cattle, and stock of all kinds, to prevent the same from running at large upon the lands of another, whether enclosed or unenclosed, in the 796th, 965th, and 966th districts of the county of Stewart, and to define the liabilities of the owners of such stock or cattle so running at large, and the rights of persons damaged thereby.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the first day of November, 1887, it shall not be lawful for the owner or owners of any horse or horses, mule or mules, cow or cattle, hog or hogs, sheep, goat or goats, or stock of any kind, to allow the same to run at large upon the land of another, whether enclosed or unenclosed, lying within the limits of the districts, namely: the 796th district G. M., the 965th district G. M. and the 966th district G. M., of the county of Stewart.

SEC. II. Be it further enacted by the authority aforesaid, That if any of the animals named in the foregoing section shall commit any trespass or damage to the crop or property of another, or shall be found running at large upon the premises of another,

Stock may
not run at
large.

In 796th,
965th and
966th
districts,
G. M.

Liability
for dam-
ages.

Stock Law for Certain Districts of Stewart County.

whether such crop, premises or property be enclosed or unenclosed, the owner of said stock or animals shall be liable to the person damaged in the amount of actual damages sustained by him, and the party injured, or the owner of said premises, his tenant or lessees, may impound said stock or cattle until such damages and all costs and expenses of taking up and impounding the same shall have been paid by the owner of such cattle or stock.

Impound-
ing, etc.

SEC. III. Be it further enacted, That in the event any such animal or animals shall have been impounded under the provisions of the above section, the parties so impounding shall give them all necessary care, feed and attention, for which he shall have reasonable compensation as hereinafter provided. It shall also be his duty, within twenty-four hours after such stock or cattle shall have been taken up and impounded, to give notice thereof to the owner; if the owner, however, is not known, or cannot be ascertained within six days after the impounding of such stock or cattle, they shall be disposed of as provided by law in cases of estrays, except that in case any such animals shall be disposed of after the payment of legal costs and expenses, the balance shall be applied first to damages which such stock or animals may have caused to the owner or owners, tenants or lessees of lands, premises or crops thereon.

Care, etc.,
of ani-
mals.Notice to
owner.Sale as es-
trays.

SEC. IV. Be it further enacted by the authority aforesaid, That in case of disagreement between the party claiming to be damaged, or the taker up of such stock or animals and the owner of the same as to the amount of the damages sustained on account of the alleged damage or trespass, or the expense of feed and attention, the party claiming said damages or expense may sue for the same, as in other cases of trespass; *Provided*, nevertheless, that said suit shall stand for trial at the first term of the court to which it is brought; *and provided further*, that a special lien upon the trespassing stock or animals for the payment of the judgment obtained shall attach from the date of the trespass.

Dispute as
to damage.

SEC. V. Be it further enacted, That in cases of litigation, as contemplated by the preceding section, the owner of said stock or animals may replevy the same by giving bond with good security, to be approved by the Ordinary of the county, conditioned to pay plaintiff all damages and costs and expenses which may be recovered against him in said suit.

Replevy.

SEC. VI. Be it further enacted by authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 12th, 1887.

 Provisions of General Stock Law Made Applicable to Fulton Co.—Stock Law for Harris Co.

 PROVISIONS OF GENERAL STOCK LAW MADE APPLICABLE TO
 FULTON COUNTY.

No. 270.

An Act to make operative the provisions of the stock law as to
 Fulton county.

General
 law made
 operative.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, the provisions of sections 1449, 1450, 1451, 1452 and 1453 and 1454 of the Code of 1882 be, and the same shall become operative within the limits of Fulton county.

SEC. II. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 3d, 1887.

 STOCK LAW FOR CERTAIN DISTRICTS OF HARRIS COUNTY.

No. 356.

An Act to require the owners of horses, mules, hogs, cows, sheep, goats and cattle and stock of all kinds, to prevent the same from running at large upon the lands of another, whether enclosed or unenclosed, in the following militia districts in Harris county, Georgia, to-wit: 672 (Hamilton), 782d (Milner's), 1186 (Upper 19th), 696 (Cataula) and 717 (Blue Spring), and to define the liabilities of the owners of such cattle or stock so running at large, and the rights of persons damaged thereby.

Stock may
 not run at
 large.
 In 672d,
 782d,
 1186th,
 696th and
 717th
 districts,
 G. M.

SECTION I. Be it enacted by the General Assembly, That from and after the first day of January, 1888, it shall be unlawful for the owner of any horses, mules, hogs, cows, sheep, goats or cattle, or stock of any other description, to allow the same to run at large upon the land of another, in said districts, whether enclosed or unenclosed.

Damage
 done.

SEC. II. Be it further enacted, That if any of the animals named in the foregoing section shall commit any trespass or damage to the crop or property of another, or shall be found running at large on the premises of another, whether such crop, property or premises be enclosed or unenclosed, the owner of said stock shall be liable to the person damaged in the amount of

Stock Law for Certain Districts of Harris County.

actual damages sustained by him, and the party injured or the owner of said premises, his tenant or lessee, may impound said stock or cattle until such damages and all costs and expenses of ^{Impound-} taking up and impounding the same shall have been paid by the owner of said stock.

SEC. III. Be it further enacted, That in case any such animals ^{Care, etc. of an-} shall have been impounded under the provisions of the foregoing ^{imals.} section, the party so impounding shall give them all necessary care, feed and attention, for which he shall have reasonable compensation, as hereinafter provided. It shall also be his duty, within twenty-four hours after such stock or cattle shall have been taken up and impounded, to give notice thereof to the ^{Notice to} owner; if the owner, however, is not known, or cannot be ascer- ^{owner.} tained within three day after impounding such stock or cattle, they shall be disposed of as provided by law in cases of estrays, ^{Sale as es-} except that in case any such animals shall be disposed of after ^{trays.} the payment of legal costs and expenses, the balance shall be applied, first, to damages which such stock or cattle may have caused to owners or tenants, or lessees of lands, premises, or crops thereon.

SEC. IV. Be it further enacted, That in case of disagreement ^{Dispute a} between the party claimed to be damaged or the taker-up of ^{to dam-} such animals and the owner of the same as to the amount of ^{ages, etc.} damages sustained on account of the alleged trespass or the expense of feed and attention, the party claiming said damages or expense may sue for the same, as in other cases of trespass; *Provided, nevertheless*, that said suit shall stand for trial at the first term of the court to which it is brought; *and provided further*, that a special lien upon the trespassing animals for the payment of the the judgment obtained shall attach from the date of the trespass.

SEC. V. Be it further enacted, That in cases of litigation, as ^{Replevy.} contemplated by the preceding section, the owner of said cattle or stock may replevy the same by giving bond with good security, to be approved by the justice of the peace or notary public and *ex officio* justice of the peace in the district where such stock or cattle is taken up and impounded, conditioned to pay plaintiff all damages and cost and expenses which may be recovered against him in said suit.

SEC. VI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 20th, 1887.

Stock Law for Certain Portion of Crawford County.

STOCK LAW FOR CERTAIN PORTION OF CRAWFORD COUNTY.

No. 414.

An Act to prevent the running at large of all horses, mules, cattle, sheep, goats and swine in Crawford county north of the old wire road, running from Macon through Knoxville to Columbus, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after January 1st, 1888, it shall not be lawful for any person owning or in charge of any horse, mule, cow, sheep, goat, hog, or any other animal, to permit the same to run at large in Crawford county in this State, north of the old wire road, running from Macon through Knoxville to Columbus, beyond the land of its owner or manager; and any person owning or having in charge any of the animals above enumerated, who shall permit the same to run at large in said territory as above stated, shall be liable for all damages which said animal or animals may commit upon the premises of another, whether such premises be enclosed or unenclosed, to be recovered as hereinafter provided.

SEC. II. Be it further enacted, That if any animal or animals enumerated in the foregoing section shall commit any trespass, or shall be going at large in said county upon the premises of any other person than the owner or manager, it shall be lawful for the owner or person in charge of such premises to impound such animal or animals, and retain them till the owner thereof shall make full satisfaction or reparation in damages committed, including all court cost and expenses in impounding and keeping the same, unless disposed of as hereinafter provided.

SEC. III. Be it further enacted, That if any animal shall be impounded under the provisions of this Act, it shall be the duty of the person impounding to give said animal all necessary food, care and attention, and it shall be his duty to give the owner or person in charge of said animals, if known, notice of the fact of such impounding in twenty-four hours, and the amount of damages committed, and the cost and expenses of impounding, feeding and keeping the same, and in the event the parties shall fail to agree upon the amount to be paid by the owner of such animals, or such owner shall fail or refuse to pay the same, then the owner of such animal or animals may relieve them from the pound by giving the party damaged a good and sufficient bond in double the amount of the damages claimed for the forthcoming of such amounts to answer any judg-

ment that may be obtained against him in any suit to be commenced within one year from the date of such bond; if the parties shall fail to agree on amount of damages and expenses sustained, or the owner of such animals shall fail to replevy them as above provided, then the party, within forty-eight hours, make complaint to the justice of the district in which the damages were committed, and if there is no justice in such district, then to the most convenient justice in any district, setting forth the amount claimed, whereupon such justice shall issue a summons, as in other suits, returnable within five days from the date thereof, requiring the owner or claimant of such animals to appear at the time and place named, and which shall be served as other summons at least three days before the time of hearing, when said justice shall proceed to hear evidence and give judgment against such owner or claimant for such damages as shall appear reasonable and just, including the expense of impounding, care and feed of such animals, which shall be enforced by execution, levy and sale as other judgments of such justice.

SEC. IV. Be it further enacted, That if the person impounding such animals shall not know, or shall not ascertain the owner thereof within three days from the time of impounding the same, they shall be disposed of as provided by law in case of estrays, except that in case any such animal or animals shall be sold under the provisions of the estray law, the proceeds of such sale, after the payment of cost, shall be applied first to payment of damages by the aggrieved party, including reasonable compensation for the impounding, feed, care and attention to such animal or animals. Sale as estrays, etc.

SEC. V. Be it further enacted, That whenever any of said animals are impounded as hereinbefore prescribed, if any person or persons shall take them, or cause them to be taken, from said pound without the consent of the person or persons so impounding, or without first duly replevying them, as provided in section third of this Act, shall be guilty of a misdemeanor, and on conviction shall be punished as provided by section 4310 of the Code. Breaking pound, etc.

SEC. VI. Be it further enacted, That the foregoing five sections shall not go into effect and become operative till they shall be ratified and adopted as follows: An election shall be held on the first day of December, 1887, at the precincts or voting places of 494th, 497th, 521st, 573d and 630th districts, G. M., of Crawford county, at which election all the legal voters residing north of said old wire road, who are qualified to vote for members of the General Assembly, shall be qualified to vote, and no others. This Act to be submitted to popular vote.

SEC. VII. Be it further enacted, That each person voting at

Stock Law for 882d District, G. M., of Schley County.

- Ballots.** said election shall have written or printed on his ticket or ballot the words, "For stock law," or the words, "Against stock law."
- Rules for election.** **SEC. VIII.** Be it further enacted, That said election shall be held under the same rules and regulations, as to opening and closing and managing, as prescribed by law for members of the General Assembly.
- Returns.** **SEC. IX.** Be it further enacted, That the managers of said election shall make their returns to the Ordinary of the county on the day after said election by 12 o'clock m., and said Ordinary shall immediately consolidate the returns and declare the result.
- Result of election.** **SEC. X.** Be it further enacted, That should a majority of the votes cast at such election or elections have upon them the words "For stock law," then, and in that event, the provisions of this Act shall go into effect on the first day of January, 1888, as provided in section first, and not otherwise.
- SEC. XI.** Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.
- Approved October 22d, 1887.

STOCK LAW FOR 882d DISTRICT G. M., OF SCHLEY COUNTY.

No. 427.

An Act to require the owners of horses, mules, cows, hogs, sheep, goats and cattle, and stock of all kinds; to prevent the same from running at large upon the lands of another, whether enclosed or unenclosed, in the 882d district, G. M., Schley county, Georgia, and to define the liabilities of the owners of such cattle or stock so running at large, and the rights of persons damaged thereby.

SECTION I. Be it enacted by the General Assembly, That from and after the first day of January, 1888, it shall be unlawful for the owner of horses, mules, cows, hogs, sheep, goats or cattle, or stock of any other description, to allow the same to run at large upon the lands of another in the 882d district, G. M., in Schley county, whether enclosed or unenclosed.

SEC. II. Be it further enacted, That if any of the animals named in the foregoing section shall commit any trespass or damage to the crop or property of another, or shall be found running at large on the premises of another, whether such crops, property or premises be enclosed or unenclosed, the owner of said stock shall be liable to the person damaged in the amount of actual damages sustained by him, and the party injured, or the

Stock Law for 882d District, G. M. , of Schley County.

owner of said premises, his tenant or lessee, may impound said stock or cattle until such damages and all costs and expenses of taking up and impounding the same shall have been paid by the owner of such cattle or stock. Impound-
ing.

SEC. III. Be it further enacted, That in case any such animals shall have been impounded under the provisions of the foregoing section, the party so impounding shall give them all necessary care, feed and attention, for which he shall have reasonable compensation, as hereinafter provided. It shall be his duty, within twenty-four hours after said stock or cattle shall have been taken up and impounded, to give notice thereof to the owner; if the owner, however, is not known or cannot be ascertained within three days after impounding such stock or cattle, they shall be disposed of as provided by law in cases of estrays, except that in case any such animals shall be so disposed of after payment of the legal costs and expenses, the balance shall be applied, first, to damages which such cattle or stock may have caused to the owners, or tenants, or lessees of lands, premises or crops thereon. Care, etc.,
of an-
imals.

SEC. IV. Be it further enacted, That in case of disagreement between the party claimed to be damaged, or the taker-up of such animals, and the owner of the same, as to the amount of damages sustained on account of the alleged trespass, or the expense of feed and attention, the party claiming said damages or expense may sue for the same as in other cases of trespass; *Provided, nevertheless*, that said suit shall stand for trial at the first term of the court to which it is brought; and *provided further*, that a special lien upon the trespassing animals for the payment of the judgment obtained shall attach from the date of the trespass. Notice to
owner.

SEC. V. Be it further enacted, That in cases of litigation, as contemplated by the preceding section, the owner of said stock or cattle may replevy the same by giving bond with good security, to be approved by the Ordinary of the county, conditioned to pay plaintiff all damages and costs and expenses which may be recovered against him in said suit. Sale as es-
trays.

SEC. VI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed. Dispute as
to dam-
ages.

Approved October 22, 1887. Replevy.

STOCK LAW FOR LEE COUNTY.

No. 519.

An Act to prevent the running at large in Lee county, Georgia, of all horses, mules, cattle, sheep, goats and swine; to provide penalties for its violation, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after March 1st, 1888, it shall not be lawful for any person owning or in charge of any horse, mule, cow, sheep, goat, hog or any other animal, to permit the same to run at large in Lee county, in this State, beyond the limits of the land of its owner or manager; and any person owning or having in charge any of the animals above enumerated, who shall permit the same to run at large in said county, shall be liable for all damages which such animal or animals may commit upon the premises of another, whether such premises be enclosed or unenclosed, to be recovered as hereinafter provided.

SEC. II. Be it further enacted by the authority aforesaid, That if any animal or animals enumerated in the foregoing section shall commit any trespass, or shall be going at large in said county upon the premises of any other person than the owner or manager, it shall be lawful for the owner or person in charge of such premises to impound such animal or animals, and retain them until the owner thereof shall make full satisfaction and reparation in damages committed, including all costs and expenses in impounding and keeping the same, unless disposed of as hereinafter provided.

SEC. III. Be it further enacted by the authority aforesaid, That in case any animal or animals shall be impounded under the provisions of this Act, it shall be the duty of the person impounding to give to said animal all necessary feed, care and attention, and it shall be his duty to give the owner, or person in charge of such animal, if known, notice of the fact of such impounding, in twenty-four hours, and the amount of damages committed, and the costs and expenses of impounding, feeding and keeping the same; and in the event the parties shall fail to agree upon the amount to be paid by the owner of such animal, or such owner shall fail or refuse to pay the same, then the owner of such animal or animals may relieve them from the pound by giving the party damaged a good and sufficient bond, in double the amount of damages claimed for the forthcoming

Stock Law for Lee County.

of such animals, to answer any judgment that may be obtained against him in any suit to be commenced within one year from date of such bond. If the parties shall fail to agree upon the amount of damages and expenses sustained, or the owner of such animals shall fail to replevy them as above provided, then the party may, within forty-eight hours, make complaint to the justice of the district in which the damages were committed, and if there is no justice in such district, then to the most convenient justice in any district in said county, setting forth the amount claimed; whereupon such justice shall issue a summons, as in other suits, returnable within five days from date thereof, requiring the owner or claimant of such animals to appear at a time and place named, and which shall be served as other summons, at least three days before the time of hearing, when such justice shall proceed to hear evidence, and give judgment against such owner or claimant for such damages as shall appear reasonable and just, including the expenses of impounding, care and feed of such animals, which shall be enforced by execution, levy and sale, as other judgments of such justice.

SEC. IV. Be it further enacted by the authority aforesaid, That if the person impounding such animal shall not know or shall not ascertain the owner thereof within three days from the time of impounding the same, they shall be disposed of as provided by law in cases of estrays, except that in case any such animal or animals shall be sold under the provisions of the estray law, the proceeds of such sale, after the payment of cost, shall be applied first to the payment of damages sustained by the aggrieved party, including reasonable compensation for the impounding, care and feed and attention to such animal or animals. Sale as estrays.

SEC. V. Be it further enacted, That whenever any of said animals are impounded as hereinbefore prescribed, if any person or persons shall take them or cause them to be taken from said pound without the consent of the person or persons so impounding, or without first duly replevying them as provided in section 3 of this Act, shall be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code. Breaking pound, etc.

SEC. VI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

STOCK LAW FOR 743d DISTRICT, G. M., TAYLOR COUNTY.

No. 551.

An Act to require the owners of horses, cows, mules, sheep, goats, hogs and stock of all kinds to keep the same from running at large upon the lands of another within the seven hundred and forty-third district, Georgia Militia, Taylor county; to define the liabilities of said owners and the rights of persons damaged by stock running at large, and for other purposes.

SECTION. I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That it shall not be lawful for any persons owning horses, mules, cows, sheep, hogs, goats, or stock of any kind, to permit the same to run at large upon the lands of another within the seven hundred and forty-third district, Georgia militia, of Taylor county, and any person allowing the same to run at large within said district shall be liable for the actual damage which said animal or animals may commit upon the premises of another, to be recovered as hereinafter provided.

SEC. II. Be it further enacted, That if any such animal or animals enumerated in the foregoing section shall commit any trespass, or shall be going at large in said district in said county upon the premises of another than the owner, it shall be lawful for the owner, or the person in charge of said premises, to impound such animal or animals, and retain them until the owner thereof shall make full satisfaction or reparation for the actual damage committed, including all cost and expenses in impounding and keeping the same, unless disposed of as hereinafter provided; *Provided, further,* that the owner of said animal or animals shall be liable to the amount of said actual damages so committed, whether said animals be impounded or not.

SEC. III. Be it further enacted, That in case any animal shall be impounded under the provisions of this Act, it shall be the duty of the person impounding to give to said animal all necessary feed, care and attention, and it shall be his duty to give the owner of such animal, if known, notice of the facts of such impounding in twenty-four hours, and the amount of damages committed, and the cost and expenses of impounding, feeding and keeping the same, and in the event the parties shall fail to agree upon the amount to be paid by owner of such animal, or such owner shall fail or refuse to pay the same, then the owner of such animal or animals may relieve them from the pound by giving to the party damaged a good and sufficient bond, with security in double the amount of the damages claimed, for the forthcoming of such animal to answer any judgment that may be ob-

Stock Law for 743d District, G. M., Taylor County.

tained against him in any suit to be commenced in six months from the date of such bond. If the parties shall fail to agree upon the amount of damages and expenses sustained, or the owners of such animals shall replevy them as above set forth, then the party may file his complaint in any justice or other court having jurisdiction of the same, setting forth the amount claimed, and the subsequent proceedings in said suit shall be the same as in other suits before said courts, except that the said suit shall stand for trial at the first term of the court after the filing of the same. Any judgment that may be rendered in favor of the plaintiff, or any suit, originating under the provisions of this Act, shall have a special lien on the animal or animals impounded, from the date of the trespass complained of, superior to all other lien, except liens for taxes, and shall be enforced by execution, as in other cases. Whenever any case is tried in a justice court, either party dissatisfied with the judgment of the court may enter an appeal or *certiorari*, as in other cases.

SEC. IV. Be it further enacted, That if the person impounding such animal or animals shall not know, or shall not ascertain the owner thereof within three days from the time of impounding the same, they shall be disposed of as provided by law in cases of estrays, except that in the case any animal or animals shall be sold under the provisions of the estray law, the proceeds of such sale shall be applied first to the payment of damages sustained by the aggrieved party, including reasonable compensation for the impounding, feed, care and attention to said animal or animals. Sale as estrays, etc.

SEC. V. Be it further enacted, That whenever any of said animals are impounded under the provisions of this Act, if any person or persons shall take them or cause them to be taken from said pound without the consent of the person or persons impounding them, or without duly replevying them as set forth in this Act, shall be guilty of a misdemeanor, and on conviction shall be punished as provided in section 4310 of the Code of 1882. Breaking pound.

SEC. VI. Be it further enacted, That this Act shall take effect when a majority of the voters residing in said district shall determine at an election to be held for that purpose. Whenever so many as ten of the freeholders residing in said district shall petition the Ordinary of the county for the benefit of the provisions of this Act, said Ordinary shall at once order an election, at which election the question submitted to the qualified voters of said district shall be, "Stock law," or "Against Stock law." Said election to be held at the usual voting precinct in said district, under the same rules and regulations provided for members of the General Assembly, and after thirty days' notice at the most public places in said district. The returns of said election shall be made to the Ordinary Election as to this Act.

 Stock Law for 768th District, G. M., Taylor County.

of the county, and after examining the same, and deciding upon all questions arising out of said election, he shall proclaim the result. If the lawful majority of said votes in said election is for "Stock-law," then the provisions of this Act shall take effect within six months thereafter.

SEC. VII. Be it enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved October 24th, 1887.

 STOCK LAW FOR 768TH DISTRICT, G. M., TAYLOR COUNTY.

No. 570.

An Act to better protect the lands and farming interest of 768th militia district, known as Panhandle District, of Georgia, Taylor county, and other purposes.

Stock may
not run at
large.

SECTION I. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority aforesaid, That from and after the passage of this Act, that it shall not be lawful for any horse, mule, cow, hog or any other domestic animal used or fit for either labor or food, to run at large within the 768th district, Georgia militia, of Taylor county.

Impound-
ing, etc.

SEC. II. Be it further enacted, That if any stock enumerated in the first section of this Act shall be found running at large on the lands of any person owning lands within said district, that the owner or owners of said land shall be authorized to impound said stock and dispose of them as is prescribed for in sections 1451, 1452, 1453 and 1454 of the Code of 1882.

SEC. III. Be it enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

TITLE VIII.

EDUCATION.

ACTS.

Public school system for Cedartown.
 Amending public school system of Newnan.
 Amending public school system of Sandersville.
 Public school system for Covington.
 Support of Middle Georgia Military and Agricultural College, etc., by city of Milledgeville.
 Sale, etc., of property of Elbert County Male Academy.
 Commitment of offenders to house of refuge, etc., in Fulton county.
 Sale, etc., of property of Elberton Female Collegiate Institute.
 Election of trustees of Effingham Academy.
 Trustees for sale, etc., of school lot in Franklin.
 Public school buildings for Elberton.
 Amending Act establishing Reformatory Institute of Richmond county.
 Support of schools in Dublin.
 System of public schools for Waycross.
 Teachers of colored youth in Thomaston.
 Tax for schools in Millen.
 Public school system for Washington.
 School-houses for Eatonton.
 Incorporating the Tallapoosa Male and Female College.
 Amending public school system of Athens.

PUBLIC SCHOOL SYSTEM FOR CEDARTOWN.

No. 157.

An Act to authorize the town of Cedartown, in Polk county, Georgia, to establish and maintain a system of public schools for said town, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia (the town authorities of said town having so recommended), That the mayor and council of the town of Cedartown, Georgia, are hereby authorized to levy and collect a tax, annually, in addition to that now allowed by law, not to exceed five-tenths of one per cent. on the taxable property of said town, for the purpose of ^{Taxation for.}

Public School System for Cedartown.

Term. establishing and maintaining a system of public schools for said town for a term of not less than eight nor longer than ten months in each year, said fund not to be used for any other purpose.

School commissioners. SEC. II. Be it further enacted by the authority aforesaid, That J. S. Stubbs, W. O. Cornelius, J. E. Houseal, W. T. Gibson, A. Huntington, W. F. Turner, C. G. Jones, G. G. Leak and W. F. Hall be, and are hereby constituted a board of school commissioners for said town, the term of the first to expire the first day of February, 1890, that of the second three the first day of February, 1889, and that of the last three the first day of February, 1888, and that their successors shall be elected by the legal voters of said town at the election for mayor and council next preceding the expiration of their several terms, to hold for a term of three years from the first day of February after their said election, and on failure to elect, until their successors are elected and qualified, and said board shall have power to fill vacancies in their body occasioned by death, resignation or otherwise, but no one shall be eligible to the office of school commissioner of said town who is not twenty-one years of age and has not been a *bona fide* citizen and resident of said town for twelve months next preceding his election.

Duties and powers of board. SEC. III. Be it further enacted by the authority aforesaid, That said board shall supervise, regulate and make efficient said school system; shall have power to make rules for the government of themselves and the teachers and pupils of said schools; to establish grades therein and prescribe the studies therefor; to elect, employ, fix the salaries and pay the teachers therefor, and to provide for the necessary conveniences and appliances of said schools, and to do all lawful acts necessary to the proper operation, and are authorized to hold and apply any grants or donations of money or property made by any person or corporation for the benefit of said schools.

Record. Officers of board. SEC. IV. Be it enacted by the authority aforesaid, That said board shall keep a record of all their proceedings; shall elect of their body a president, secretary and treasurer, the salary of the secretary not to exceed twenty-five dollars, and that of the treasurer not to exceed fifty dollars per annum, and the president to receive no salary, and said treasurer shall give bond in sufficient amount, with good and sufficient security to be judged of by said board, and payable to said board, for the faithful discharge of his duties and the safe-keeping and disbursement of all money, bonds and matters entrusted to his care.

Seperate schools for two races. SEC. V. Be it further enacted by the authority aforesaid, That said board shall have power, and it shall be their duty, to establish under this bill, in said town, one school for the whites and one school for the blacks, and no more, and they shall be separate and distinct, and out of the funds arising from the bonds herein

Public School System for Cedartown.

provided for shall procure suitable lots and erect suitable buildings thereon and furnish and equip the same for said schools, and the records of said board shall be open to inspection to the citizens of said town, and they shall make a report annually to the mayor and council of said town of their receipts and disbursement, on or before the first Monday in January, in each year after 1888, and the same shall be published in the newspaper of said town.

Buildings,
etc.

Reports.

SEC. VI. Be it further enacted by the authority aforesaid, It shall be the duty of the secretary of said board to prepare annually a list of all pupils entitled of the State school fund in attendance upon said schools, who reside in Polk county, and furnish it to the treasurer of said board, who shall present the same to the school commissioner of said county, and receive from him such portion of the educational fund for Polk county as said pupils are entitled to, to be determined by the number of said pupils, which said sum it shall be the duty of said school commissioner to pay over to said treasurer, to be applied by said board to the maintenance of said schools according to law; and it shall further be the duty of said treasurer to receive from the mayor and council of said town all the money raised by them by taxation under this bill, also the bonds to be issued under this bill to be applied and appropriated under the direction of said board, according to the provisions of this bill; and it shall be the duty of said mayor and council to turn over to said treasurer said funds and bonds on the order of said board, and said treasurer of said board shall also receive the incidental fees and other proceeds of said schools, and report the same to the board at each meeting thereof.

Allowance
for com-
mon
school
fund, etc.Duties,
etc., of
treasurer.

SEC. VII. Be it further enacted by the authority aforesaid, That said board may prescribe an incidental fee, not to exceed fifty cents, for scholastic month, to be paid monthly in advance by each pupil entering or attending said schools, and no pupil shall be entitled to the benefit of this Act, nor enter or continue in said school without first complying with this provision.

Incidental
fee.

SEC. VIII. Be it further enacted by the authority aforesaid, That all children between the ages of six and eighteen years of age, whose parents, guardians or natural protectors, reside in the incorporate limits of said town, and all pupils attending said schools, boarding within said limits, shall be entitled to the benefits of this Act while attending said schools, and said board may provide for the admission into said schools of any within said limits over eighteen years of age, and of any residing out of said limits upon such rates of tuition as may to said board seem reasonable and just.

Pupils, etc.

SEC. IX. Be it further enacted by the authority aforesaid, That before this Act shall become operative, its adoption shall be submitted to the qualified voters of said town, for which pur-

Election as
to adop-
tion of
this Act.

Public School System for Cedartown.

pose the mayor and council of said town shall order an election, of which ten days' notice shall be given in the *Cedartown Advertiser*, by publication, which election shall be held under the same rules and regulations as elections for mayor and council of said town, and the qualifications of voters shall be the same. Those in favor of public schools shall have printed or written on their tickets, "For public schools," and those against public schools shall have printed or written on their tickets, "Against public schools." The managers of said election shall make return to the mayor and council of said town, whose duty it shall be at their first regular meeting thereafter to open the same, declare the result, and record the same in the book of their proceedings, and if two-thirds of the qualified voters of said town, qualified to vote at said election, shall be for public schools, this bill shall become operative, and said mayor and council and said school commissioners shall proceed to carry out their respective duties under the same. Should this bill fail of adoption, said mayor and council may submit the same to another election after the lapse of twelve months from first election.

Bonds SEC. X. Be it enacted by the authority aforesaid, That if the results of said election shall be in favor of said public schools system, the mayor and council of said town shall, and are hereby authorized, to issue the bonds of said town, to be signed by the mayor and recorder of said town, for a sum in the aggregate not to exceed seven thousand five hundred dollars, and of denominations not less than fifty nor more than one hundred dollars, and to bear interest at the rate of not more than six per cent. per annum, to be known as the Cedartown school bonds, payable annually, on or by the 15th day of December of each year; one-twentieth of said bonds to fall due the 15th day of December, 1890, and one-twentieth the 15th day of December of each year thereafter, until all of said bonds are due; and said mayor and council shall and are empowered, at and before the issuing of said bonds, to provide for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said bonds as the same may fall due, and to finish paying the whole of said bonds by the time the last installment shall fall due, and within twenty-four years from their issuance; *Provided*, the tax for said purpose shall not exceed for any one year the sum of principal and interest of said bonds falling due said year. Said bonds shall be turned over to the board of school commissioners, or to their treasurer, as they may order, to be negotiated by them at not less than par, and without expense to the town, and the proceeds applied by said board to procuring of suitable lots and erecting suitable buildings thereon for said public schools and furnishing and equipping the same, and to no other purpose.

Taxation for.

Disposition of bonds, etc.

Amending Public School System of Newnan.

SEC. XI Be it further enacted by the authority aforesaid, ^{Election as to issuing bonds.} That section ten shall not go into effect, nor said bonds issue until the question of their issuance shall have been submitted to a vote of the qualified voters of said town, and approved by a two-thirds vote of the persons so qualified to vote at said election, which election shall be ordered by the mayor and council, and shall be advertised for ten days next preceding the election in the *Cedartow Advertiser*, and the returns shall be made to the mayor and council of said town, who, at their regular meeting thereafter, shall open the same, declare the result, and have the same recorded on the book of their proceedings. Said election shall be held under the same rules and regulations of elections for mayor and council of said town, and the qualifications of voters shall be the same.

SEC. XII. Be it further enacted by the authority aforesaid, That all laws and parts of laws militating against this Act be, and the same are hereby repealed.

Approved September 9th, 1887.

AMENDING PUBLIC SCHOOL SYSTEM OF NEWNAN.

No. 161.

An Act to amend "An Act to establish a system of public schools in the city of Newnan, Georgia, and provide for the maintenance and support of the same; to provide for the issuance of bonds of said city for the purpose of purchasing school property, building school-houses, and for other purposes, after submitting the same to the qualified voters of said city of Newnan," approved December 27th, 1886, so as to fix the matriculation fee for resident pupils entering said schools; to provide for a registration of voters at elections held under said bill, and for other purposes.

SECTION I. It is enacted by the General Assembly of the State of Georgia, That section six of the above recited Act be, and is ^{Sec. 6 of Act of Dec. 27, 1886, amended.} hereby amended by striking out the words "not exceeding," wherever they occur, and inserting in lieu thereof at each place, the word "of," and by striking out the words "may in their discretion" from said section, and by inserting in lieu thereof the word "shall," and by adding at the end of said section the words "on failure of any pupil to pay the matriculation fee, or any installment thereof when required by the board of education, such pupil shall not be allowed to enter, and if it be an installment required after entrance, the pupil shall not be allowed to continue

Amending Public School System of Newnan.

Matriculation fees.

Non-residents.

Failure to pay fee.

at school after the time the installment is due without first having paid it," so that said section, as amended, shall read as follows: That the boards herein provided for shall establish such grammar-schools and such high-schools as may be necessary for the education of the children attending said schools. These schools shall be free to all children residing within the incorporated limits of the city of Newnan; *Provided, however,* said board shall require each child entering the grammar-schools to pay a matriculation fee of five dollars per year, in such installments as they may direct, each child entering the high-schools to pay a matriculation fee of fifteen dollars per year, in such installments as the board may direct. Children of non-residents may be admitted to said schools upon such terms as may be prescribed by the board. On failure of any pupil to pay the matriculation fee, or any installment thereof, when required by the board of education, such pupil shall not be allowed to enter, and if it be an installment required after entrance, the pupil shall not be allowed to continue at school after the time the installment is due without first having paid it.

Registration for election.

SEC. II. It is further enacted by the authority aforesaid, That prior to any election hereafter had under the provisions of the above-recited Act, there shall be a registration of the persons qualified to vote at such election, which registration shall be closed twenty days prior to the day of the election. The registrar shall be appointed by the mayor and aldermen of the city of Newnan, or a majority of them, and shall be sworn to faithfully discharge the duties of his office; is empowered and authorized to administer the oath required of applicants for registration, and shall receive therefor such compensation as may be fixed by the mayor and aldermen of the city of Newnan. Each person registering shall, before being registered, take and subscribe before the registration officer the oath required by section 1276 of the Code of Georgia, and also the following: "And I do further swear that I am now a *bona fide* resident of the city of Newnan." That not less than ten days before the election, the city authorities shall have published once in the official newspaper of the city of Newnan a list of persons who have been so registered; *Provided,* such newspaper will publish the same at legal rates, and if such newspaper will not do so, then the list must be posted at the court-house door for five days. It shall be lawful for any tax-payer in said city to contest the legality of the registration of any voter by filing notice thereof, with the grounds thereof, with the city clerk after the close of the registration, and not less than eight days before the election. The board of mayor and aldermen shall proceed in a summary manner to hear such contest, and shall have the right

Amending Public School System of Sandersville.

to order the name of such person or persons off the registration list if they find such person or persons illegally registered. The board of mayor and aldermen shall provide for notice to the persons whose right to register is contested. The decision of the board of mayor and aldermen shall be final, and the right to vote at such election of any person whose name is on the registration list, placed there in accordance with the provisions of this Act and not ordered off by the board as above provided, shall not be contested in such election; and no person who fails to register for such election, as hereinbefore provided, shall be entitled to vote thereat. Said registration shall be conclusive as to who are the qualified voters of said city of Newnan and entitled to vote at such election.

SEC. III. It is further enacted, That any person who shall vote at any such election, not authorized to vote therein, or who shall vote therein in violation of the provisions of this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4310 of the Code of Georgia. Illegal voting.

SEC. IV. It is further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 10th, 1887.

AMENDING PUBLIC SCHOOL SYSTEM OF SANDERSVILLE.

No. 164.

An Act to amend an Act entitled an "Act to authorize the corporation of Sandersville to establish and maintain public schools," etc., approved September 8th, 1881, so as to increase the matriculation fee, and for other purposes.

SECTION I. The General Assembly of the State of Georgia do enact, That from and after the passage of this Act, section seven of the above recited Act shall be amended by striking out the words "Not less than nine scholastic months in each year," and inserting in lieu thereof the following words, to-wit: Section 7 of Act of September, 8, 1881, amended.

"Such length of time as the funds in the treasury of the board of education of Sandersville will warrant, but such time shall not be less than three scholastic months in each year, as provided by law for public schools in the county; and whenever said board of education shall determine to employ teachers for a scholastic term of nine months, including the said three months, an incidental or Time of keeping open schools, etc.

Public School System for Covington.

Matriculation fee. matriculation fee, not to exceed ten dollars for each pupil, shall be paid to the treasurer of said board."

Said seventh section shall be further amended by striking out the following words beginning in the twelfth line of said section, to-wit:

"Who may also require the payment by all pupils of an incidental fee of not exceeding two dollars per scholastic year," so that said section, when amended, shall read as follows:

Section as amended, &c. "That said board of education of said city are hereby authorized and required to provide separate schools for the white and colored children, and said schools shall be kept open free during such length of time as the funds in the treasury of the board of education will warrant; but such time shall not be less than three scholastic months in each year, as provided by law for public schools in the county; and whenever said board of education shall determine to employ teachers for a scholastic term of nine months, including the said three months, an incidental or matriculation fee, not to exceed ten dollars for each pupil, shall be paid to the treasurer of said board; and all the children in said city, between the ages of six and eighteen years, whose parents or guardians are residents of said city, shall be entitled to the benefits thereof; and said board of education may also provide for the admission of children residing out of said city, or students and pupils not within the foregoing ages, upon payment of reasonable rates of tuition to be prescribed by said board of education."

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 10th, 1887.

PUBLIC SCHOOL SYSTEM FOR COVINGTON.

No. 173.

An Act to provide a system of public schools for the city of Covington, in the county of Newton; to provide for the maintenance and support of the same; to create a board of school commissioners, and for other purposes pertaining thereto.

System to be established. SECTION I. Be it enacted by the General Assembly of Georgia (the corporate authorities of the city of Covington having so recommended), That there shall be established in the city of Covington, in the county of Newton, a system of public schools to be established, conducted and maintained as hereinafter prescribed.

Public School System for Covington.

SEC. II. Be it further enacted, That in conformity with article eight, section four, paragraph one of the Constitution of this State, an election shall be held in the city of Covington on the third Saturday in November, 1887, on the question of establishing and maintaining public schools in said city by local taxation. All persons shall be entitled to vote at said election who are entitled in the municipal election in the city of Covington and under the general qualifications prescribed by the Constitution of the State of Georgia, and those favoring said public school system shall have on their ballots the words, "For Public Schools;" and those opposed shall have on their ballots the words, "Against Public Schools." Said elections shall be held as elections for mayor and council of said city are held, and if two-thirds of the votes cast at such election shall be "For Public Schools," then this Act shall become operative. If the result of such election shall be "Against Public Schools," then the mayor and council of said city shall order other elections upon the same question, not oftener than once in twelve months, whenever so many as fifty qualified voters of said city shall petition them for such election, in which case ten days' notice of such election shall be given in some newspaper published in said city, and by posting the same at the court-house door.

SEC. III. Be it further enacted, That L. L. Middlebrooks, Edward Heard, John P. Harris, James M. Levy, O. H. Tucker and C. B. Rosser are hereby created a board of school commissioners for said city of Covington, with perpetual succession. They shall hold their offices until their successors are elected and qualified as hereinafter provided. They and their successors in office shall have power to take and hold property, personal and real, that they may acquire by purchase, donation or otherwise, in trust for said city of Covington, with the right to sue and the liability of being sued.

SEC. IV. Be it further enacted, That said board of school commissioners shall elect a president, clerk and treasurer from their own number, who shall perform such duties as may be required of them. The treasurer shall give bond, payable to said board in such sums as they may determine, conditioned for the safe-keeping and proper disbursement of the funds placed in his charge. He shall not pay out any funds except by order of the board of school commissioners. Said school commissioners shall divide themselves into three classes, by ballot or otherwise. The term of office of the first class shall expire at the end of two years, and that of the second class at the end of four years, and that of the third class at the end of six years. If vacancies hap-

Election under this Act.

School commissioners.

Officers of board.

Duties, etc., of treasurer.

Terms of office.

Vacancies.

Public School System for Covington.

pen by resignation or otherwise, said board shall fill such vacancy by appointment for the remainder of the unexpired term.

Elections
for mem-
bers of
board, etc.

SEC. V. Be it further enacted, That an election shall be held every ten years, at the same time and in the same manner as elections for mayor and council of Covington, to fill the office of one of the retiring members of said board. The office of the other retiring member shall be filled by said board of school commissioners. No one shall be eligible to the office of school commissioner who is not a resident of said city, and who is not twenty-one years old.

Powers,
etc., of
board.

SEC. VI. Be it further enacted, That said board of school commissioners shall elect a principal and other teachers for said public schools, prescribe their salaries, elect text-books, prescribe the course of study, determine the length of the scholastic term and the time of beginning and closing of said schools, and adopt such rules and regulations for their own government and that of the schools, as they may deem necessary for the carrying out the purposes of this Act, not inconsistent with the Constitution and laws of this State. They shall have power to build, purchase, lease and rent such, school-houses and other property as may be necessary to carry on said schools. They may charge such entrance fee, not exceeding \$5.00 per annum, for the admission of children to said schools, as they may deem proper, and shall provide for the admission of children to said schools who reside out of said city, or students not within the ages of six and eighteen years of age, upon the payment of such tuition as said board may prescribe. Said board of school commissioners shall have power to provide a course of instruction for students who desire to engage in studies other than those usually included in an English education; but students who pursue such studies must pay such tuition as the board may determine is proper, in addition to what is paid under the system of public schools established by this Act.

Taxation
for sup-
port of
schools.

SEC. VII. Be it further enacted, That said board of school commissioners shall determine, as early as practicable after the beginning of the scholastic year, what amount of money it will be necessary to raise by taxation to defray the expenses of running said public schools for the ensuing year, and shall lay the same before the mayor and council of said city, and it shall be the duty of said mayor and council to proceed to levy and collect the same; *Provided*, the rate of taxation under this Act shall not exceed three-fourths of one per centum per annum; and when collected, the clerk, as other collecting officer of said mayor and council, shall pay the same over to the treasurer of said board of school commissioners, which shall then constitute a fund to be expended by

Support of Middle Georgia Military and Agricultural College, etc., by City of Milledgeville.

said board in the payment of teachers, and in building, repairing, leasing or renting school-houses and other property, and for defraying all other necessary expenses.

SEC. VIII. Be it further enacted, That the county school commissioners of the county of Newton shall pay over to the treasurer of said board of school commissioners the *pro rata* share of the State and county public school fund coming to said city, to be by them expended in the maintenance of said public schools; the board of school commissioners shall require the teachers of said public schools to make out reports of the attendance of children entitled to draw the State school fund, so that the amount due said city may be estimated. Share of general school fund.
Reports.

SEC. IX. Be it further enacted, That said board of school commissioners shall make provisions for the education of all children in said city between the ages of six and eighteen years, but separate schools shall be provided for the white and colored children. Separate schools for the two races.

SEC. X. Be it further enacted, That the mayor and council of said city shall have power to appropriate, from time to time, such sums of money for the purposes of building or purchasing school-houses and other school property for the use of the public schools herein provided for as the condition of the treasury may authorize. Buildings, etc.

SEC. XI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 13th, 1887.

SUPPORT OF MIDDLE GEORGIA MILITARY AND AGRICULTURAL COLLEGE, ETC., BY CITY OF MILLEDGEVILLE:

No. 180.

An Act to authorize and empower the mayor and aldermen of the city of Milledgeville to submit to the qualified voters of said city the question of taxation for the support of the Middle Georgia Military and Agricultural College and Eddy school; to order and provide an election therefor; to levy and collect taxes therefor, if said election shall result in favor of taxation, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That it shall be the duty of the mayor and aldermen of the city of Mil- Election under this Act.

Support of Middle Georgia Military and Agricultural College, etc., by City of Milledgeville.

ledgeville, and they are hereby authorized and empowered to submit to the qualified voters of said city, at an election to be held for that purpose, the question of levying and collecting a tax annually for the support and maintenance of the Middle Georgia Military and Agricultural College and Eddy school (now located in said city), not to exceed the one-half of one per centum on the real and personal estate in said city.

SEC. II. Be it further enacted by the authority aforesaid, That said mayor and aldermen of the city of Milledgeville shall order said election to be held, as other city elections are now held by law, and shall publish the said order once a week for four weeks in the newspaper in which the city's advertising is done, before said election shall take place.

SEC. III. Be it further enacted by the authority aforesaid, That at said election all persons qualified to vote for mayor and aldermen of said city shall be entitled to vote in said election, and that each person so voting shall have written or printed on his ballot, "For the tax," or "Against the tax."

SEC. IV. Be it further enacted by the authority aforesaid, That the returns of said election shall be made and submitted to the mayor and aldermen of said city of Milledgeville, who are hereby authorized and empowered to pass upon the same and declare the result.

SEC. V. Be it further enacted by the authority aforesaid, That if two-thirds of the voters voting in said election shall cast their ballots "For the tax," and the said mayor and aldermen shall so declare, then the said mayor and aldermen of the city of Milledgeville, are authorized and empowered, in their discretion, to levy and collect the tax aforesaid, and to appropriate and disburse the same for the purpose named and expressed in section 1st of this Act, subject to such terms, conditions and restrictions as may be deemed wise and expedient by said mayor and aldermen, or their successors in office; *Provided*, the absolute right and power are hereby expressly reserved in said mayor and aldermen to levy and collect the tax aforesaid, or to refuse to do the same, either in whole or in part.

SEC. VI. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 20th, 1887.

SALES, ETC., OF PROPERTY OF THE ELBERT COUNTY ACADEMY

No. 319.

An Act to authorize the trustees of the "Elbert County Academy," now called the "Elberton Male High School," to sell the property of said academy ; to invest the proceeds of said sale, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia. Sale au-
thorized. and it is hereby enacted by the authority of the same, That the trustees of the Elbert County Male Academy, now called the Elberton Male High School, be, and they are hereby authorized and empowered to sell all the property, both real and personal, belonging to or owned by said Elbert County Academy, or said Elberton Male High School ; said property to be sold either at public outcry or at private sale, for cash, as said trustees may consider best, and said trustees are hereby empowered to execute titles to the purchaser or purchasers thereof, in their corporate Term, etc. capacity.

SEC. II. Be it further enacted, That said trustees are hereby Invest-
ment of
proceeds. empowered to invest the proceeds of said sale in a location or building, or both, for a male school for whites, within the corporate limits of said town, or in a location or building, or both, for a school for white males and females, within the corporate limits of said town ; the question of whether said school shall be for males only, or for males and females, to be determined by an election to be held as hereinafter provided.

SEC. III. Be it further enacted, That said trustees, either by Election
as to
mixed
schools. themselves or in connection with the trustees of the "Elberton Female Collegiate Institute," are hereby empowered to call an election to be held in said town of Elberton, after twenty days notice thereof shall have been given by publication in the newspapers published in said town, at which election only the legally qualified white voters of said town shall be entitled to vote.

SEC. IV. Be it further enacted, That said election shall be con- Conduct of
election,
etc. ducted as elections for members of the General Assembly are conducted, except that the ballots cast shall contain the words, "For joint schools," or "Against joint schools," and that the returns thereof shall be made to the town council of Elberton within three days from the time said election shall be held, and said town council shall declare the result of said election within ten days from the time the same shall be held.

SEC. V. Be it further enacted, That should the result of said Result for
mixed
schools. election be that, "For joint schools" shall receive a majority of all the votes cast at said election, then said trustees are hereby

Commitment of Offenders to the House of Refuge, etc., in Fulton County.

directed to invest the proceeds of said sale in a location or building, or both, for a school for white males and females, at such place within the corporate limits of Elberton as said trustees, together with the trustees of the Elberton Female Collegiate Institute may determine.

Result
against.

SEC. VI. Be it further enacted, That should said election result in a majority of all the votes cast being voted for "Against joint schools," then said trustees are empowered to invest the proceeds of said sale in a location, or building, or both, for a male white school within the corporate limits of Elberton, at such place as said trustees may select.

SEC. VII. Be it further enacted, That all laws and parts of laws in conflict herewith be, and they are hereby repealed.

Approved October 13th, 1887.

COMMITMENT OF OFFENDERS TO THE HOUSE OF REFUGE,
ETC., IN FULTON COUNTY.

No 326.

An Act to authorize the commitment of juvenile offenders and others "to the House of Refuge for the Reformation of Juvenile Offenders," in Fulton county, Georgia; to prescribe and regulate such commitment, and for other purposes.

Who may
be re-
ceived.

SECTION I. The General Assembly of the State of Georgia do enact, That from and after the passage of this Act, authority is hereby conferred upon "The House of Refuge for the Reformation of Juvenile Offenders," a corporation under the laws of said State, of Fulton county, Georgia, to receive for safe keeping, education, training, discipline and reformation, juvenile offenders and infants guilty of incorrigible or vicious conduct or vagrancy, and infants who are homeless or without protection, in all cases in which such juvenile offenders or infants are between the ages of seven and sixteen years, as and in the manner hereinafter provided, and to retain the custody of such juvenile offenders and infants received or committed to said house of refuge until their reformation, indenture or attainment to majority.

Length of
custody.

Method of
commit-
ment.

SEC. II. Be it enacted by the authority aforesaid, That said house of refuge is hereby authorized to receive and retain as aforesaid, infants of either sex of the age aforesaid, when committed thereto in either of the following modes, viz: First, justices of the peace and notaries public who are *ex officio* justices of the peace of the county of Fulton, said State; also the mayor of

Commitment of Offenders to the House of Refuge, etc., in Fulton County.

the city of Atlanta, said State, and any alderman or councilman of said city, on complaint and due proof by the parent, guardian or next friend of such infant, resident in said county of Fulton, that by reason of incorrigible or vicious conduct such infant has rendered his or her control beyond the power of such parent, guardian, or next friend, and made it manifestly requisite, that from regard for the morals and future welfare of such infant, he or she should be placed in said house of refuge, are hereby authorized, and it is made their duty in such case to commit such infant to said house of refuge.

Second. Infants may be so committed by either of the officers aforesaid, where complaint and due proof have been made that such infant is a proper subject for the care of said house of refuge in consequence of vagrancy or of incorrigible or vicious conduct, and that from the moral depravity, or otherwise, of the parent, guardian or next friend, in whose custody, in said county of Fulton, such infant may be, such parent, guardian or next friend, is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

Third. Infants under sixteen years of age, convicted in the Superior Court of said county of Fulton, or the City Court of Atlanta, of any offence against the laws of said State, or convicted in the mayor's or recorder's court of the city of Atlanta of any offence against the laws of said city, may, when the judge presiding in either of said courts, respectively, where such conviction is had, deem such infant so convicted a proper subject for commitment to said house of refuge, be, by order of said judge, committed to said house of refuge.

SEC. III. Be it further enacted by the authority aforesaid, That it shall be the duty of any justice of the peace, notary public *ex officio* justice of the peace, mayor, alderman or councilman aforesaid, committing a vagrant or incorrigible or vicious infant, as aforesaid, in addition to the adjudication required by the second section of this Act, to annex to his commitment the names and evidence of the different witnesses examined before him and the substance of the testimony given by them, respectively, on which the said adjudication was founded.

SEC. IV. Be it further enacted by the authority aforesaid, That it shall be the duty of the judge of the Superior Court of said county of Fulton the judge of the City Court of Atlanta, said county, the mayor of the city of Atlanta and the recorder of said city, in case such recorder is elected and in office alternately, in such manner as may be arranged between them at a joint meeting for that purpose from time to time held, to visit said house of refuge at least once in every two weeks, or oftener, if to them it shall seem requisite; and it shall be the duty of the judge, mayor or recorder so visiting said house of refuge, ^{Duties of, etc.} carefully to examine into all the commitments to said house

Board of
visitation.

Commitment of Offenders to the House of Refuge, etc., in Fulton County.

of refuge made by justices of the peace notaries public *ex officio* justices of the peace, mayor, aldermen or councilmen, aforesaid, that have not previously been adjudged upon by one of said judges, mayor or recorder in the manner hereinafter directed, which commitments it shall be the duty of the management of said house of refuge, truly and correctly to lay before such judge, mayor or recorder, and on such examination such judge, mayor or recorder shall have produced before him, by the management aforesaid, the infant or infants described in such commitments, and the testimony upon which he or she shall have been adjudged a fit subject for said house of refuge, or on which he or she shall be claimed to be held as such; and if, after examining the infant and such testimony, the said judge, mayor or recorder shall be of opinion that, according to the laws of this State, and especially under this Act, a case has been established in which the transfer of the parental authority over such infant to the said house of refuge should be made, then and in that case, it shall be the duty of the said judge, mayor or recorder to endorse an order or the commitment of the justice of the peace, notary public, mayor, alderman or councilman, directing the infant to be continued in said house of refuge, after which it shall be lawful for said house of refuge to exercise over such infant or infants the powers and authorities given it by the law and by this Act. But if the said judge, mayor or recorder shall be of opinion that such case has not been made out, he shall order such infant to be forthwith discharged, which order shall be obeyed by said management of said house of refuge, under the pains and penalties provided by law against false or wrongful imprisonment; *Provided*, that it shall be the duty of said judge, mayor or recorder, at the request of such infant or any person in his behalf, to transfer such hearing to the court-house of the court of which he is a member or presiding over, in order that the infant may have the benefit of counsel, and of compulsory process to obtain witnesses required in his or her behalf, which such judge, mayor or recorder is hereby authorized to award, as fully and amply as any judge or court could do on the hearing of a writ of *habeas corpus*; *Provided, also*, that the examination hereinabove provided for shall be made and adjudged by one of said judges or the recorder in all cases in which the commitment was made by the mayor of said city.

SEC. V. Be it further enacted by the authority aforesaid, That said house of refuge may, whenever it deems it to the interest of any inmate committed to its care and custody to bind or indenture such inmate to service during his or her minority, to such persons and at such places, to learn such proper trades and employments as will be most conducive to the reformation and amendment, and will

Sale, etc., of Property of the Elberton Female Collegiate Institute.

tend to the future benefit and advantage of such inmate ; *Provided*, that such indenture shall in each case be subject to the approval of the judges, mayor and recorder named in the fourth section of this Act as passing on examinations of committing, or by a majority of them.

SEC. VI. Be it enacted by the authority aforesaid, That when said house of refuge has placed out its inmates as apprentices, or given them up to their friends, said former inmates may be returned to the custody of said house of refuge whenever it shall appear, on complaint before a judge, mayor or recorder mentioned in said fourth section of this Act, that the agreements made in their behalf have been violated, or they have been neglected or improperly treated by those who have been entrusted with them during their minority, and said former inmates may, in such case, be reclaimed by said house of refuge. Re-com-
mitment.

SEC. VII. Be it further enacted, That said house of refuge shall have authority to enforce discipline and compel those committed thereto to work, under proper regulation, with humane regard to age and health of the inmates thereof. Discipline,
etc.

SEC. VIII. Be it further enacted, That said house of refuge may, in its discretion, whenever, in the judgment of the management thereof, any inmate committed thereto has attained to proper reformation, fully discharge such inmate therefrom, otherwise inmates on arriving at majority shall be fully discharged in any event. Discharge
of in-
mates.

SEC. IX. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 15th, 1887.

SALE, ETC., OF PROPERTY OF THE ELBERTON FEMALE COLLEGIATE INSTITUTE.

No. 340.

An Act to authorize the trustees of the "Elberton Female Collegiate Institute" to sell the property of said institute ; to invest the proceeds of said sale, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That the trustees of the "Elberton Female Collegiate Institute" be, and they are hereby authorized and empowered to sell all the property, both real and personal, belonging to the said "Elberton Female Collegiate Institute," said property to be sold either at public outcry or private sale, for cash, as said trustees may Sale au-
thorized
Terms, etc.

Sale, etc., of Property of the Elberton Female Collegiate Institute.

deem best; and said trustees are hereby authorized to execute titles to the purchaser or purchasers of said property in their corporate capacity.

Invest
ment of
proceeds.

SEC. II. Be it further enacted, That said trustees are hereby empowered to invest the proceeds of said sale in a location or building, or both, for a female school for whites, within the corporate limits of said town, or in a location or building, or both, for a school for white males and females within the corporate limits of Elberton; the question whether said school shall be for females only, or for males and females, to be determined by an election to be held as hereafter provided.

Election
under this
Act.

SEC. III. Be it further enacted, That said trustees, either by themselves or in convention with the trustees of the "Elbert County Male Academy," now called by the "Elberton Male High School," are hereby empowered to call an election in said town of Elberton, after twenty days' notice thereof in the newspapers published in said town, at which election only the legally qualified white voters of said town shall be entitled to vote.

Conduct
of, etc.

SEC. IV. Be it further enacted, That said election shall be conducted as elections for members of the General Assembly are conducted, except that the ballots shall contain the words "For joint schools," or "Against joint schools," and that the returns thereof shall be made to the town council of said town within three days from the time said election shall be held, and said town council shall declare the result of said election within ten days from the time it shall be held.

Result for
joint
schools.

SEC. V. Be it further enacted, That should the result of said election be, that "For joint schools" shall receive a majority of the votes cast at said election, then said trustees are hereby directed to invest the proceeds of said sale in a location or building, or both, for a school for white males and females, at such place within the corporate limits of Elberton as said trustees, together with the trustees of the "Elbert County Male Academy," now called "Elberton Male High School," may determine.

Against
joint
schools.

SEC. VI. Be it further enacted, That should said election result in a majority of the votes cast being voted for "Against joint schools," then said trustees are authorized to invest the proceeds of said sale in a location or building, or both, for a female school for white females, within the corporate limits of Elberton, at such point as said trustees may select.

SEC. VII. Be it further enacted, That all laws or parts of laws in conflict herewith be, and they are hereby repealed.

Approved October 15th, 1887.

Election of Trustees of Effingham Academy.—Trustees for Sale, etc., of Vacant School Lot in Franklin.

ELECTION OF TRUSTEES OF EFFINGHAM ACADEMY.

No. 352.

An Act to change the manner of electing trustees of the Effingham Academy.

SECTION I. Be it enacted by the General Assembly of Georgia, ^{Election by grand jury.} That the manner of electing trustees of the Effingham Academy be, and is hereby so changed as to allow the grand jury, at the first term of the Superior Court held each year in the county of Effingham, to elect one trustee in the place of any one of the trustees of the Effingham Academy, and the trustee elected as ^{When term of trustees begins.} herein provided shall enter upon the duties required by law in said position, upon the adjournment of said term of the court.

SEC. II. Be it further enacted, That all laws conflicting with this Act are hereby repealed.

Approved October 20th, 1887.

TRUSTEES FOR SALE, ETC., OF VACANT SCHOOL LOT IN FRANKLIN.

No. 370.

An Act to create a board of trustees to sell and re-invest the proceeds of certain lands in the town of Franklin, Heard county, Georgia, known as the vacant school lot, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State ^{Trustees.} of Georgia, That after the passage of this Act, M. J. Davis, R. N. Askew, J. T. Armstrong, J. F. Bevis, F. C. Lumpkin shall constitute a board of trustees, with full power to sell, make title, ^{Powers.} and to re-invest the proceeds of certain lands in the town of Franklin, Heard county, Georgia, belonging to Heard county, containing seven and nine-tenths acres, more or less, known as the vacant school lot. Said lot of land is bounded on the north by lands of E. Saul and P. H. Whitaker, Sr.; on the east, by Burwell Butterill's lot; on the south by lands of Mrs. Featherstone and west by lot of Thomas Wynn and Mrs. Featherstone, being a part lot number 382.

Public School Buildings for Elberton.

Manner of sale and re-investment. SEC. II. Be it further enacted by the authority aforesaid, That the trustees aforesaid shall sell the said school lands at public outcry before the court-house door of Franklin, immediately after the passage of this Act, or as early thereafter as they may deem practicable, and shall at once invest the proceeds of the same, or as much of them as is deemed wise, in refitting and furnishing the Franklin Institute, or in any way they see fit; *Provided*, it is invested at once, or as early as practicable, in the school interest of Franklin in the way of substantial improvements.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed in so far as they conflict with this Act.
Approved October 22d, 1887.

PUBLIC SCHOOL BUILDINGS FOR ELBERTON.

No. 400.

An Act to authorize the town council of Elberton to issue bonds for the purpose of erecting and equipping public school buildings in said town, and to authorize said town council to provide for the payment of said bonds by levying a tax therefor, and to provide for an election to ratify the provisions of this bill, and for other purposes.

Authority to issue bonds, etc. SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That the town council of the town of Elberton, said State, be, and said town council is hereby authorized and empowered to issue bonds of said town, not to exceed in the aggregate five thousand (\$5,000) dollars of the denomination of one hundred (\$100) dollars each, to become due and payable at such time or times, within twenty years after the issue thereof, as said town council shall determine, and to bear such interest, not exceeding seven (7) per cent. per annum as said town council shall determine.

Taxation for payment of. SEC. II. Be it further enacted by the authority aforesaid, That the said town council shall assess, levy and collect annually a sufficient tax upon the taxable property of said town to pay the interest on said bonds as the same shall become due, and also to provide a sinking fund for the redemption of said bonds as the principal of said bonds shall become due.

Execution and negotiation of bonds. SEC. III. Be it further enacted, etc., That said bonds shall be executed in such manner as the said town council shall determine; shall be signed by the president of the town council of said town, and

Public School Buildings for Elberton.

countersigned by the clerk of council under the corporate seal of said town, and negotiated in such manner as the town council of said town shall determine to be for the best interest of said town of Elberton.

SEC. IV. Be it further enacted, etc., That when said bonds shall have been issued and disposed of, the said town council of Elberton shall turn over to the trustees, or legally constituted managers of the white school or schools in said town, such *pro rata* part of the money arising from the sale of said bonds as shall be derived from a bond upon the taxable property of the white persons of said town, without charging any commission therefor, and shall in like manner turn over to the trustees of the colored schools in said town such *pro rata* part of said fund as shall be derived from a bond upon the taxable property of the colored persons of said town, said money to be used by the whites in the one instance, and the colored in the other, in the erection, repair and equipment of a school-building or buildings for the use of the white and colored races, respectively, but never together: *Provided*, that the funds to be given to the whites shall be turned over to the trustees of the male school, and to the trustees of the female school, separately to be used by them for a separate male and female school or to joint trustees of a school for males and females, to be used by said joint trustees for the erection and equipment of a school building in said town for both males and females, and that whether said funds shall be used by trustees of the male and female schools separately for separate schools or by joint trustees for a joint school for males and females, shall be decided by an election held in said town for that purpose; and *provided, further*, that the said town council shall determine to what board of trustees that portion of said school fund to be given the colored schools shall be given. Disposition of funds.

SEC. V. Be it further enacted, etc., That the provisions of this Act shall not take effect until the same shall have been submitted to a vote of the qualified voters of the town of Elberton, and approved by a two-thirds ($\frac{2}{3}$) vote of the said qualified voters of said town. Must be submitted to popular vote.

SEC. VI. Be it further enacted, etc., That the town council of said town shall, immediately after the passage of this Act, order said election to be held in said town, giving thirty (30) days notice thereof in the newspapers published in said town; that said election shall be held by a justice of the peace and two freeholders, or by three freeholders of said town, and shall be conducted as election for members of the General Assembly are conducted, except that the returns thereof shall be made to the town council, of Elberton within three (3) days from the holding of said election, which town council shall declare the result of said election within ten (10) days from the time the same is held; Election. Conduct of, etc.

Amending Act Establishing Reformatory Institute in Richmond County.

Result. *and provided, further,* that the ballots cast at said election shall contain the words "For bonds," or the words "Against bonds," and unless "For bonds" shall receive a two-thirds ($\frac{2}{3}$) majority of all the voters of said town, qualified to vote at said election, then this Act shall not become a law.

SEC. VII. Be it further enacted, That all laws in conflict herewith be, and the same are hereby repealed.

Approved October 22nd, 1887.

AMENDING ACT ESTABLISHING REFORMATORY INSTITUTE IN RICHMOND COUNTY.

No. 404.

An Act to amend an Act entitled "An Act to establish in the county of Richmond, in this State, a reformatory institute; to provide for the maintenance and support of the same, and for other purposes," approved October 5, 1885. etc.

Section 3 amended.
Inmates may be bound out.
Section as amended.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That section III. of the above-recited Act be, and the same is hereby amended by inserting in the third line of said section, between the word "inmate" and the word "discharge," the words "bind them out," so that the said section, thus amended, shall read as follows: "That the said commissioners shall have charge of the general interests of the institute, shall provide employment for the inmates, bind them out, discharge or remand them in such manner as they may deem beneficial; they shall appoint a superintendent and such other officers as in their judgment may be necessary for conducting efficiently and economically the business of the institute. All appointments made by them shall be made in such manner, with such restrictions, and for such terms of time as the by-laws may prescribe. The commissioners shall also establish by-laws and regulations for the internal government and economy of the institute. The sexes and the races shall be kept separate."

New section.

SEC. II. Be it further enacted by the authority aforesaid, That the said Act aforesaid be, and the same is hereby amended by adding another section to be known as section IX. as follows:

How inmates may be bound out

"The said commissioners, in their discretion, shall have authority to bind out, in respectable and suitable families, or to reputable trades or occupations, all boys and girls committed to their charge."

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Support of Public Schools in Dublin --System of Public Schools for Waycross.

SUPPORT OF PUBLIC SCHOOLS IN DUBLIN.

No. 426.

An Act to authorize the mayor and council of the town of Dublin to appropriate any moneys arising from licenses to sell spirituous or malt liquors to the support of the school in said town.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, the mayor and council of the town of Dublin shall have power, and are hereby authorized to appropriate the whole, or any part of the moneys arising from licenses to sell spirituous or malt liquors, to the support of the school in said town.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

SYSTEM OF PUBLIC SCHOOLS FOR WAYCROSS.

No. 430.

An Act to establish a system of public schools for the town of Waycross; to empower the mayor and council of said town to levy and collect a tax for the support and maintenance thereof; to authorize the county school commissioners of Ware county to pay over to the said mayor and council such part of the State school fund as may be the just *pro rata* share of said town, and for other purposes.

SECTION I. Be it further enacted by the General Assembly of the State of Georgia (that the corporate authorities of the town of Waycross having so recommended), That the mayor and council of the town of Waycross, Ware county, Georgia, are hereby authorized to levy a tax, annually, in addition to that now authorized by law, not to exceed one-half of one per cent. on the real and personal property of said town, for the purpose of establishing and maintaining public schools in and for the said town of Waycross; *Provided*, the sum so raised shall be used only for the purpose as set forth in this section.

SEC. II. Be it further enacted by the authority aforesaid, That before this Act shall take effect and become operative, the mayor of the said town of Waycross shall order an election, giving at least twenty days' notice, to ascertain the sense of the qualified voters under this Act, at said election, whether public schools shall be established or not in said town. All persons voting at said election shall have written or printed on their ballots the words, "For public schools," or "Against public schools," and if the question should be

System of Public Schools for Waycross.

decided affirmatively by the necessary constitutional majority "of two-thirds (§) of all the qualified votes cast in said election," it shall be the duty of the mayor and council to levy a tax as authorized by section 1 of this Act, and if said question shall be decided negatively, the mayor and council are authorized to order other elections upon the same question; *Provided*, twelve (12) months shall elapse between said elections.

Regulations for election.

SEC. III. Be it further enacted by the authority aforesaid, That any election under this Act shall be held under the same rules and regulations as govern in other town elections, and the qualifications for voters at said election shall be the same as required by law at elections for mayor and councilmen. The notices required to be given by this Act shall be by publication in one or more of the town papers, and by being posted on the court-house door.

Disposition of money raised.

SEC. IV. Be it further enacted by the authority aforesaid, "That the mayor and council shall have power to expend the money arising from said levy in the maintenance and support of separate schools for white and colored pupils; *Provided*, there shall be at least one school for each race, the salaries of the teachers and the general and total expenses of each school to be regulated, controlled and fixed by the mayor and council."

Pupils, etc.

SEC. V. Be it further enacted by the authority aforesaid, That all children, whose parents, guardian or natural protector *bona fide* reside within the corporate limits of said town, shall be entitled to the benefit of said schools; *Provided*, an admission fee not to exceed five (\$5.00) dollars per annum for each child may be required from the parents, guardian or natural protector of each child attending said public schools. The said mayor and council may also admit children into said schools whose parents, guardian or natural protector do not reside within the corporate limits of said town upon the payment of such tuition as may be deemed reasonable and proper. All sums arising either from admission fees or tuition, as provided for in this section, shall be used only for the purpose of maintaining said schools. Said mayor and council are authorized to receive all gifts and donations, and appropriate the sum to the support and maintenance of public schools in said town.

Non-residents.

Gifts, etc.

Share of general school fund.

SEC. VI. Be it further enacted by the authority aforesaid, That the county school commissioner of Ware county is authorized and required to pay over to the mayor and council of Waycross, for the use of said public schools, under such rules and regulations as said mayor and council may prescribe, the just and full proportion of the common school fund arising from any and all sources, belonging to said town, to be by them expended in the establishment and maintenance of said public schools as authorized and directed by the Constitution and laws of this State.

Election etc. of teachers

SEC. VII. Be it further enacted by the authority aforesaid, That the teachers to be employed under this Act shall be elected by the trustees of the various schools of said town, said elections to be subject to the approval of said mayor and council, and when no trustees exist said teachers shall be elected by said mayor and council of said town. And the salaries of all teachers shall in like manner, when

Teachers for Colored Youth of Thomaston.

fixed by the trustees of the various schools of said town, be subject to the approval of said mayor and council, and when no trustees exist said salaries shall be fixed by said mayor and council of said town.

SEC. VIII. Be it further enacted by the authority aforesaid, That said mayor and council are hereby empowered to pass such ordinances as may be necessary for collecting and disbursing the school fund, and may, if necessary, require additional bond and security from the collector and treasurer of said town; and, in addition to the authority hereinbefore conferred upon the mayor and council of said town, they shall have authority to make all needed by-laws, rules and regulations for establishing, maintaining and governing said schools. Ordinances, etc.

SEC. IX. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

TEACHERS FOR COLORED YOUTH OF THOMASTON.

No. 507.

An Act to require the county board of education of Upson county to use the Starr school of Thomaston for furnishing common school privileges to the colored youth of the community of Thomaston, by employing the teachers of said school under certain conditions as common school teachers for the colored youth of said community.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the board of education of Upson county may hereafter employ the teachers of the Starr school of Thomaston to teach the colored youth of Thomaston during the public school term; What teachers may be employed. *Provided*, the said board of education shall satisfy themselves that said teachers are well qualified to teach, and that they are persons of good moral character, and that they are suitable persons to be entrusted with the education of said youth. Provide.

SEC. II. Be it further enacted, That the said board of education shall agree to pay such teachers what seems to them to be a fair compensation considering the average attendance upon said school. Compensation.

SEC. III. Be it further enacted, That the trustees of the Starr school may add to the fund by any methods that may be used by them under the powers legally invested in them so as to make the school term longer than the school term of the county generally, and what they thus add may be used with the public school fund for thus protracting the school term. Prolongation of school term.

SEC. IV. Be it further enacted, That it is not the intention of this Act to modify the powers of the county board of Upson county, any further than the words herein used, under a reasonable construction, shall so modify their powers. How this Act is to be construed.

Taxation for School Purposes in Millen.

SEC. V. Be it further enacted, That any Act, or any portion of an Act or Acts, in conflict with the provisions of this Act, are hereby repealed.

Approved October 24, 1887.

TAXATION FOR SCHOOL PURPOSES IN MILLEN.

No. 509.

An Act to authorize the town council of Millen to levy a tax for school purposes; to provide for a submission of the question of tax or no tax to the qualified voters of said town; to prescribe the effect of said vote, and for other purposes.

School tax
author-
ized.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, that the town council of the town of Millen are hereby authorized and empowered to levy a special school tax on all the property in the town of Millen that is subject to taxation, not exceeding one hundred per centum on the State tax for the year in which it is levied.

Disposi-
tion of tax,
etc.

SEC. II. Be it further enacted by the authority aforesaid, That the town council of said town of Millen shall be authorized to turn over said school tax, when assessed and collected, to such boards of trustees as in their opinion and judgment will best subserve the school interest of said town, to be disbursed by said boards of trustees for school purposes alone; *Provided, however,* that the said boards of trustees shall give good and ample security to the said town council for the legal and proper disbursement of any funds committed to their care.

Election
under this
Act.

SEC. III. Be it further enacted by the authority aforesaid, That before this Act shall become operative, the mayor of the said town of Millen shall issue his proclamation, "when so directed by the council of said town," ordering an election to be held at the precinct in said town of Millen, thirty (30) days before said election shall be held, and which election shall be conducted under the same rules and regulations as are now had by law for conducting elections for members of the General Assembly, and at which election all the legally qualified voters of said town of Millen shall be entitled to vote.

Result of
election.

SEC. IV. Be it enacted by the authority aforesaid, That all voters voting at said election in favor of the school tax, shall have written or printed on their ballots "For tax;" all persons who are opposed to said school-tax shall have written or printed on their ballots, "Against tax." After the polls have been closed, the managers of said election shall proceed to count said votes and transmit the results, after depositing the ballots, sealed, with a tally-sheet and list of voters, with the recorder of said town of Millen, to the mayor of said town, and he, with the town council, shall canvass said returns and declare the result. "If, at said election, so held, two-thirds ($\frac{2}{3}$) of those voting

Public School System for Washington.

therein vote 'for tax,' then the said town council shall levy the tax as provided for in the first section of this Act, and the same shall be collected as are the other taxes of said town."

SEC. V. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

PUBLIC SCHOOL SYSTEM FOR WASHINGTON.

No. 516.

An Act to establish a system of public schools in the town of Washington, Georgia; to provide for raising revenue to maintain said schools; to authorize the county school commissioner of Wilkes county to pay over to the board of education of said public schools such part of the State school fund as may be their just *pro rata* share thereof.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That T. B. Green, F. H. Colley, M. M. Sims, Lorenzo Smith, W. T. Fluker, J. W. Chapman, B. S. Irwin, S. H. Hardeman be, and they are hereby appointed a board of education for the town of Washington, who shall have power to fill all vacancies occurring in their body either by death, resignation, removal from the town or otherwise.

SEC. II. Be it further enacted, That said board of education shall have perpetual succession, and shall be authorized to devise, design and adopt a system of public instruction in the town of Washington; to modify the same from time to time; to establish such schools as they may see proper; to prescribe the curriculum, appoint teachers for said schools and a superintendent of the same if deemed necessary; suspend or remove such teachers and superintendent, fix the compensation, provide school houses by rent, building, purchase or otherwise, in the discretion of said board; to make and hold titles to any such property and to make such by-laws, rules and regulations for their own government, and that of the superintendent, teachers and pupils of said schools as said board may deem proper, and are not contrary to the laws of this State.

SEC. III. Be it further enacted, That the officers of said board shall be a president, a vice-president and a treasurer, who shall also be the secretary of said board, and such other officers as the board may deem advisable, all of whom shall be elected by the board. No member of the board of education shall be superintendent. The board shall require of the treasurer a bond with good security, to be judged of by the board, for the faithful performance of his duties as treasurer, and shall fix the compensation of the treasurer (whenever it deems it proper to allow such compensation); all officers of the board shall hold their offices at the pleasure thereof.

Public School System for Washington.

Minutes. **Estimates and reports.** SEC. IV. Be it further enacted, That said board of education shall keep regular minutes of its proceedings, and shall furnish, from time to time, to the town council of Washington, an estimate of the funds required for the maintenance of said schools, and shall make a report, annually, on the fourth Monday in July, to the town council, of the condition of said public schools, the receipts and expenditures for the year then ending, which report shall be published in the Washington papers.

Revenue appropriated. SEC. V. Be it further enacted, That the revenues derived by the town of Washington from the following named sources be, and they are hereby appropriated to the maintenance of said public schools, and shall be turned over by the corporate authorities to said board of education when collected :

1. All proceeds from the grant of licenses to sell spirituous liquors by said town authorities.

2. The town's *pro rata* share of the State's school fund.

3. Whenever the said board of education shall deem it necessary to increase the funds for the maintenance of said school, the town council shall levy a tax upon all the property subject to taxation by the town, and collect the same and pay it to said board of education. Said tax shall not exceed one-fourth of one per cent. per annum upon said taxable property.

Share of general school fund. SEC. VI. Be it further enacted, That said board shall be entitled to receive from the county school commissioner of Wilkes county its *pro rata* share of the State school fund, and it is hereby made the duty of said commissioner to pay over to said board of education the said *pro rata* share.

Separate schools for two races. **Terms.** **Pupils.** **Non residents.** **Incidental fees.** SEC. VII. Be it further enacted, That the board of education shall provide separate schools for the white children and for the colored children of said town, and the schools shall be kept open and free during not less than nine scholastic months in each year. All children in the town between the ages of six and eighteen, whose parents or guardians are *bona fide* residents of said town, shall be entitled to the benefits of said schools. The board of education may also provide for the admission of children whose parents or guardians reside out of said town upon the payment of such reasonable rates of tuition as said board may prescribe. The board of education shall also require the payment, by all pupils, of an incidental fee, not to exceed three dollars, for each scholastic year. The board may, in its discretion, vary the amount of this fee according to the grade of the scholar, but in no event is the fee to exceed three dollars per annum.

Election under this Act. **Result of.** SEC. VIII. Be it further enacted, That the town council of Washington shall, within a reasonable time after the passage of this Act, order an election, of which notice shall be given by publication in the Washington papers for three weeks, and which shall be conducted as other elections are held in said town for town officers, and at which election the qualified voters, resident within the corporate limits of Washington, shall be entitled to vote. At said election said voters shall have written or printed on their ballots "For schools," or "Against schools," and this Act shall not become operative unless

School-Houses for Eatonton, etc.

two-thirds of the persons qualified to vote in said election shall cast their ballots "for schools."

SEC. IX. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

SCHOOL-HOUSES FOR EATONTON, ETC.

No. 528.

An Act to authorize the mayor and aldermen of the city of Eatonton to issue bonds, and provide for the payment of the principal and interest on the same by local taxation, for the purpose of constructing and furnishing a school-house for the whites and for the colored people, and to purchase suitable real estate for such house or houses, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That there shall be an election held at the court-house in the city of Eatonton, on the third day of January, 1888, which election shall be held, and returns thereof made in the same manner as elections are held for mayor and alderman of said city, and the qualification of voters at said election shall be the same as required by law, at election for mayor and aldermen. All persons voting at said election shall have written or printed on their ballots the words "For issuing bonds," or the words "Against issuing bonds." And if it should appear to the mayor and aldermen that two-thirds of the qualified voters residing in said city have voted for issuing bonds, the said mayor and aldermen are hereby authorized to issue bonds, provide for the payment of the same upon the conditions, and for the purposes hereinafter prescribed. Election under this Act.
Result of.

SEC. II. Be it further enacted, That in the event the necessary majority of votes shall be cast at said election "For issuing bonds," the present trustees of the Eatonton male and female academy, or their successors, representing the school for the whites, and the trustees for the male and female schools for the colored people in said city, to be selected by the patrons of said colored schools, if no such board exists, shall, before any bonds are issued, or any further steps taken under the provision of this Act, first agree upon the proportion of the amounts raised under the provision of this Act that shall be appropriated for the use and benefit of the respective schools they represent; *Provided*, that in no event shall the amount appropriated to each school exceed the *pro rata* part of the taxes paid by the white and colored people of said city, as shown by the tax digest of said city. Division of fund to be raised

SEC. III. Be it further enacted, That for the purpose of enabling the board of trustees to buy suitable real estate and to purchase, build or repair suitable school-houses, and to supply the same with Issue of bonds, etc.

School Houses for Eatonton, etc.

furniture, apparatus, etc, the mayor and aldermen of the city of Eatonton are hereby authorized to issue bonds of said city not exceeding in amount the sum of seventy-five hundred dollars, to run for not exceeding fifteen years, bearing interest at six per cent. per annum, payable semi-annually at such time as said mayor and aldermen may determine; said bonds shall be issued in the sum of one hundred dollars each, and shall be signed by the mayor and countersigned by the treasurer; shall bear the corporate seal of the city; shall have coupons attached to them for each installment of interest, which coupons shall be signed by the treasurer, and the principal and interest coupons shall be payable at maturity on presentation to the city treasurer. Said bonds, when so issued, shall not be sold for less than par, and only so much of the same shall be sold or negotiated as said boards of trustees may require for the purposes specified in this section and said mayor and aldermen may deem necessary.

Payment
of bonds,
etc.

SEC. IV. Be it further enacted, That for the purpose of providing for the payment of the interest on the bonds so issued and negotiated, as well as to provide for the payment of the principal when the same may become due, said mayor and alderman may set apart from the funds raised annually by taxation, as hereinafter mentioned, a sufficient amount to meet the interest on the school bond falling due. And said mayor and alderman shall have the right, after the expiration of five years, to retire one-half of said bonds, and at the expiration of the succeeding five years shall have the right to call in the remaining half of said bonds. Said bonds shall have printed on their face the right of said city to call in the same in the manner and at the time above specified.

Taxation.

SEC. V. Be it further enacted, That the mayor and alderman of said city be, and they are hereby authorized and required to levy and collect such tax upon the taxable property in said city as will be necessary to carry out the provision of this Act, and to adopt such methods in reference to a fair and equitable assessment of said property for taxes, as they may deem wise and just.

Vacancies
in boards
of trustees.

SEC. VI. Be it further enacted, That each of said boards of trustees shall have power and authority to fill all vacancies which may occur in its body by death, resignation, removal from said city or otherwise, and in case, for any cause, the number on either of said boards shall be reduced below a quorum of the original membership, then it shall be the duty of said mayor and alderman to appoint a new board or boards of trustees.

Title of
property
purchased.

Officers of
board of
trustees,
etc.

Treasurer.

SEC. VII. Be it further enacted, That the title to all property purchased or acquired by this Act shall vest in said trustees for the benefit of the respective schools they represent. The officers of said board shall consist of a president, secretary and treasurer. The city treasurer shall be *ex officio* treasurer of each of said boards, but shall not be a member of either of said boards; and, in addition to his bond as city treasurer, shall also give bond and security for the faithful performance of his duties as such treasurer, to be judged of by said board of trustees.

SEC. VIII. Be it further enacted, That no sums raised under this

Incorporating Tallapoosa Male and Female College.

Act, except the sums set apart for the payment of the principal and interest on said bonds, shall be paid out by said treasurer except upon such claims for property purchased or work done as have been audited by said board, each for its own school, and upon approval of the mayor of said city. And it shall be the duty of said mayor to examine each account or claim submitted to him for approval, and unless satisfied of its correctness, it shall be his duty to call a meeting of the council of said city, and to notify the board of trustees approving said claim of the time and place of meeting, to decide upon the correction and justice thereof.

Payments by treasurer, etc.

Duty of mayor as to.

SEC. IX. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and are hereby repealed.

Approved October 24, 1887.

INCORPORATING TALLAPOOSA MALE AND FEMALE COLLEGE.

No. 530.

An Act to incorporate Tallapoosa Male and Female College; to provide a board of trustees for the same; to prescribe their powers and duties, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, J. C. Jackson, J. R. Tumlin, Z. F. Mathews, C. Munroe, J. T. Tuggle, R. L. Spencer, A. I. Head and their associates and successors be, and they are hereby constituted a body corporate and politic under the name and style of Tallapoosa Male and Female College, and by that name and style shall have the power to sue and be sued, to plead and be impleaded, to receive donations, gifts, grants and legacies, and to purchase, have, hold, take, acquire and possess real and personal property to any amount necessary for the purposes hereinafter set forth.

Corporators.

Corporate name.
General powers.

SEC. II. Be it further enacted by the authority aforesaid, That the aforesaid J. C. Jackson, J. R. Tumlin, Z. F. Mathews, C. Munroe, J. T. Tuggle, R. L. Spencer, A. I. Head, and such other persons as may be associated with them or elected as hereinafter provided for, as successors to them, or any one or more of them be, and they are hereby appointed a board of trustees for the aforesaid college.

Board of trustees.

SEC. III. Be it further enacted by the authority aforesaid, That the board of trustees shall have and maintain a perpetual succession, and a majority of their members shall have the power to fill, by the election of other trustees, all vacancies that may occur by death, resignation or otherwise.

Vacancies.

SEC. IV. Be it further enacted by the authority aforesaid, That the board of trustees shall have the power to appoint a president of the college, and such number of assistant teachers as they may consider necessary; to remove any member of the faculty when they consider it to the interest of the college so to do; to fix the salaries of

President and teachers of college.
Salaries.

Amending Public School System of Athens.

the president and assistant teachers, and the mode and time of payment; to prescribe a course of study; to establish the rate of tuition, and the manner of collecting the same; to adopt by-laws, rules and regulations for the government of the college, not to be in conflict with the Constitution and laws of this State, or of the United States, and to exercise general supervision and control over all the property and other interests of the institution.

Studies, etc.
By-law etc.
Diplomas, etc. SEC. V. Be it further enacted by the authority aforesaid, That the president, by and with the consent of the board of trustees, shall have the power to confer all such diplomas, medals, honors and degrees as are usually conferred by colleges and universities.

Buildings. SEC. VI. Be it further enacted by the authority aforesaid, That the buildings to be erected for the use of said college shall be located at Tallapoosa, Haralson county, Georgia.

Exemption from taxation. SEC. VII. Be it further enacted by the authority aforesaid, That all property, real and personal, of the said college, shall be exempt from all city, county or State tax so long as the same shall be used for educational purposes only.

SEC. VIII. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

AMENDING PUBLIC SCHOOL SYSTEM OF ATHENS.

No. 534.

An Act to amend an Act to establish a system of public free schools in the city of Athens, Georgia, and provide for the maintenance and support of the same; to provide for the issuance of bonds, and for other purposes, approved October 15, 1885.

Sec. 3 of Act of October 15, 1885, stricken. SECTION I. Be it enacted by the General Assembly of Georgia, That section 3d of the Act to establish a system of public free schools in the city of Athens, approved October 15, 1885, be stricken and in lieu thereof the following shall be inserted as section 3d, to-wit:

New section.
Board of education.
Corporate name.
General powers. SEC. III. Be it further enacted, That the public free schools of Athens, Georgia, shall be managed and conducted by a board of education to consist of eleven members, to-wit: The mayor of the city of Athens, who shall (by virtue of his office) be the president of the board, and of two members from each ward and two members from the city at large, to be a body corporate and politic, with continuous succession, under the corporate name and style of the Board of Education of Athens, Georgia, with the right to take and hold to it and its successors for the city of Athens, any grant or devise of lands, or donations, or bequest of money or other personal property, with the right to sue and the liability of being sued. The present members

Amending Public School System of Athens.

of the board, except as hereinafter provided, and the members hereafter elected shall continue in office during good behavior, and the other member for the city at large shall be elected by the qualified voters of the city of Athens at the next election for mayor and council of Athens, and all vacancies in said board caused by death, resignation, removal or otherwise, shall be filled by election by the qualified voters of Athens in the same manner as the mayor of said city is elected; *Provided*, that the mayor shall only be a member of the board during his term of office as such mayor; and *provided, further*, that no ward member of said board shall represent a ward in such city of which he is not a resident, and the removal of any member of this board from the ward which he was chosen to represent shall create a vacancy, which shall be filled by election by the qualified voters of Athens as herein provided.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

TITLE IX

LIQUORS.

ACTS.

- Liquor law for towns and villages in Harris county.
- Liquor law for Richmond county.
- Prohibiting sale of liquors in vicinity of Lula Methodist church.
- Prohibiting sale of liquors in vicinity of Pleasant Grove and Pleasant Hill Methodist churches.
- Amending local option law for towns of Calhoun and Reasaca.
- Prohibiting sale of liquor in vicinity of Odd Fellows' Hall at Caines.
- Prohibiting sale of liquor in vicinity of Trinity church, in Gwinnett county.
- Prohibiting sale of liquors in vicinity of Mt. Zion church, in Meriwether county.
- License fees in Emanuel county.
- Amending liquor law of Wilkinson county.
- Prohibiting sale of liquor in vicinity of Walnut Grove Academy.
- Prohibiting sale of liquor in vicinity of Salem Baptist church.
- Prohibitory law for Fayette county.
- Prohibitory law for Campbell county.
- Prohibitory law for vicinity of Bethlehem Academy, in Walton county.
- Prohibitory law for vicinity of Methodist church at Jersey.
- Prohibitory law for DeKalb county.
- Prohibitory law for vicinity of Midway Methodist church.
- Prohibitory law for Clayton county.
- Prohibitory law for vicinity of Gillesville Baptist church.
- Prohibitory law for vicinity of Hephzibah Baptist church.
- Prohibitory law for 746th District, G. M., of Coweta county.
- Amending local option law for Pike county.
- Amending prohibitory law in Coweta county.

LIQUOR LAW FOR TOWNS AND VILLAGES IN HARRIS COUNTY.

No. 189.

An Act to amend an amended Act, approved March 5th, 1875, which amended an Act, approved March the 20th, 1873, so as to apply the provisions of said Act of 1873 to the incorporated towns and villages in Harris county.

Act of
March 5,
1875,
amended.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, that the Act, approved March the 5th, 1875, amendatory of the Act of March 20th, 1873, be amended in the fourth and fifth lines in the first section of

Liquor Licenses in Richmond County.

said Act by adding the words, "or mayor and councilmen of incorporated towns and villages in Harris county," after the words ordinary and county commissioners; and also at the end of the ninth line in said section by adding the words, or mayors and councilmen in said corporate limits; and also after the word "within" in the eighth line of first section of the Act of 1873 by adding the words, "the corporate limits of said towns and villages," and after the word "Harris," in the second section of the Act of 1875, by adding the words, "or unincorporated towns and villages in said county of Harris," so that said amended Acts shall read as follows: That it shall not be lawful for the ordinaries, county commissioners or the mayors and councilmen of incorporated towns and villages in Harris county to grant a license to any person to sell intoxicating liquors in said county, in any quantity, unless the applicant for license shall, in addition to complying with all the requisites of the law as it now stands, present to said ordinaries, county commissioners and mayors and councilmen of the incorporated towns and villages in said county of Harris, to be filed in their office the written consent to the granting of said license, signed by two-thirds of the citizens freeholders within the corporate limits of said towns and villages in Harris county. Liquor li-
censes

SEC. II. That any ordinary, county commissioners or mayors and councilmen of said incorporated towns and villages in Harris county violating this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section 4310 of the Code of 1873. Penalty
for viola-
tion.

SEC. III. That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved September 20, 1887.

LIQUOR LICENSES IN RICHMOND COUNTY.

No. 190.

An Act to amend an Act entitled an Act to prescribe the mode of granting license to sell intoxicating liquors in the counties of Jefferson, Burke and Washington, approved February 20th, 1873, so as to embrace Richmond county within the provisions of said Act, and for other purposes therewith connected.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That the above-recited Act, approved February 20th, 1873, as amended by the Act, approved March 5th, 1875, shall be, and is hereby so amended as to embrace within the provisions thereof the county of Richmond. Act of
March 5,
1875, made
applicable
to Rich-
mond
county.

SEC. II. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and are hereby repealed.

Approved September 20th, 1887.

Liquor Laws for Vicinities Lula Methodist, Pleasant Grove and Pleasant Hill Churches.

LIQUOR LAW FOR VICINITY OF LULA METHODIST CHURCH.

No. 196.

An Act to prohibit the sale of any spirituous or malt liquors within three miles of the Lula Methodist church, in Hall county, of this State, and for other purposes.

Sale of liquors prohibited. SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, no person or persons shall sell any spirituous or malt liquors of any kind within three miles of Lula Methodist church, in Hall county, Georgia, unless it is inside of an incorporated town.

Penalty. SEC. II. Be it further enacted, That any person or persons so violating the above section shall be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21st, 1887.

LIQUOR LAW FOR VICINITY OF PLEASANT GROVE AND PLEASANT HILL CHURCHES.

No. 202.

An Act to prohibit the sale of spirituous, alcoholic or malt liquors within a radius of three miles of Pleasant Grove and Pleasant Hill Methodist Protestant churches in the county of Jackson.

Sale, etc., of liquors prohibited as to Pleasant Grove. SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, it shall not be lawful for any person to sell, barter or exchange, directly or indirectly, any spirituous, alcoholic or malt liquor within three miles of Pleasant Grove Methodist Protestant church in the county of Jackson.

Sale, etc., prohibited as to Pleasant Hill. SEC. II. Be it further enacted by the authority aforesaid. That from and after the passage of this Act, it shall not be lawful for any person to sell or barter, either directly or indirectly, any spirituous, alcoholic or malt liquors within three miles of Pleasant Hill Methodist Protestant church in the county of Jackson.

Penalty. SEC. III. Be it further enacted by the authority aforesaid, That any person who may violate the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as prescribed in section 4310 of the Code of Georgia.

Amending Local Option law Calhoun and Resaca.—Liquor Law for Vicinity Odd Fellow Hall at Caines.

SEC. IV. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21st, 1887.

AMENDING LOCAL OPTION LAW FOR TOWNS OF CALHOUN AND RESACA.

No. 204.

An Act to amend an Act entitled an Act to submit to the qualified voters of the towns of Calhoun and Resaca, respectively, of Gordon county, the question as to whether any spirituous or malt, vinous and other intoxicating liquors shall be sold within the corporate limits of said towns in any quantity whatever, and for other purposes, approved October 13, 1885.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same. That section four of the above-recited Act be, and the same is hereby amended by inserting between the words "respectively" and "provided" in the ninth line thereof the following words, to-wit: "And any person or persons who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section 4310 of the Code of Georgia." Penalty for violating Act of October 13, 1885.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 21, 1887.

LIQUOR LAW FOR VICINITY OF ODD FELLOW HALL AT CAINES

No. 242.

An Act to prohibit the manufacture or sale of spirituous or malt liquors within one mile of the Odd Fellows' Hall at Caines, Gwinnett county, Georgia.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, it shall not be lawful for any person to make, sell, barter or exchange, either directly or indirectly, any spirituous, malt, alcoholic or other intoxicating liquors, in any quantity whatever, within one mile of the Odd Fellows' Hall at Caines, Gwinnett county, Georgia. Sale, etc., prohibited.

SEC. II. Be it further enacted by the authority aforesaid, That any person violating the provisions of this Act shall be deemed Penalty.

Liquor Laws for Vicinities Trinity Church, Gwinnett Co., and Mt. Zion Church. Meriwether Co.

guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4310 of the Code of Georgia.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29, 1887.

LIQUOR LAW FOR VICINITY OF TRINITY METHODIST CHURCH
IN GWINNETT COUNTY.

[No. 252.]

An Act to prohibit the manufacture or sale of alcoholic, spirituous or malt liquors within two miles of Trinity Methodist Church, in the county of Gwinnett; to provide a penalty for a violation thereof, and for other purposes.

Manufacture, sale, etc., prohibited. SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall not be lawful for any person to make, sell, barter or exchange, either directly or indirectly, any spirituous, malt or other intoxicating liquors within two miles of Trinity Methodist Church, in the county of Gwinnett, in said State.

Penalty. SEC. II. Be it further enacted by the authority aforesaid, That any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4310 of the Code of Georgia.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 29, 1887.

LIQUOR LAW FOR VICINITY OF MT. ZION METHODIST CHURCH
IN MERIWETHER COUNTY.

No. 288.

An Act to prohibit the sale of spirituous, malt or vinous liquors within four miles of Mount Zion Colored Methodist Church in the 10th district of Meriwether county, and to provide a penalty for the violation of the same.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, it shall not be lawful for any

Liquor License in Emanuel County.

person to sell or barter, either directly or indirectly, spirituous, malt ^{Sale, etc.,} or vinous liquors within four miles of Mount Zion Colored Methodist Church in the 10th district of Meriwether county; *Provided*, that nothing in this Act shall prevent the manufacture or sale of wine or cider made by or upon the premises of owner of or rented by the person selling. ^{prohibited.}

SEC. II. Be it further enacted by the authority aforesaid, That if ^{Penalty.} any person shall violate the provisions of this Act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4310 of the Code of Georgia.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 1, 1887.

LIQUOR LICENSE IN EMANUEL COUNTY.

No. 302.

An Act to amend an Act entitled an Act to amend an Act, approved February 17th, 1876, fixing the license fee for the sale of spirituous liquors in Emanuel county at the sum of one thousand dollars by striking the word "one" and inserting in lieu thereof the word "ten."

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid, ^{License fixed at \$10,000.} That from and after the passage of this Act, that section one of the above Act be, and the same is hereby amended by striking the word "one," in the last line of said section, and inserting in lieu thereof the word "ten," so that the section so amended will read as follows: "That from and after the passage of this Act, approved February 17th, 1876, fixing the license fee for the sale of spirituous liquors in Emanuel county at the sum of one thousand dollars, b, and the same is hereby amended by adding thereto, after the word 'spirituous,' and before the word 'liquors,' the words 'vinous, malt or other intoxicants,' and after the word 'liquor,' the words 'schnapps or bitters,' so that said amended Act shall read: That from and after the passage of this Act the charge for license to sell spirituous, vinous and malt or other intoxicating liquors, schnapps or bitters in any quantity in the county of Emanuel shall be the sum of ten thousand dollars."

SEC. II. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 8, 1887.

AMENDING LIQUOR LAW OF WILKINSON COUNTY.

No. 372.

An Act to amend an Act, approved September 22d, 1881, prohibiting the sale of spirituous liquors in the county of Wilkinson, State of Georgia.

Vinous.
malt, or
other fer-
mented or
intoxicat-
ing liquors
added.

Saving as
to domes-
tic wines.

Section as
amended.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That on and after the passage of this Act, that section first of the above-recited Act be amended by adding between the words "spirituous" and "liquors" in the third line the words "vinous, malt or other fermented or intoxicating," and also, by adding at the end of said section this proviso: "And provided further, that the provisions of this Act do not apply to the sale of domestic wines made from grapes or berries raised on the premises of the owner, or on lands leased or rented in said county, when sold in quantities not less than a quart, not to be drank on the premises where sold," so that said first section of said Act, when amended, will read as follows: "That from and after the passage of this Act, the sale of spirituous, vinous, malt or other fermented or intoxicating liquors in said county of Wilkinson be, and the same is hereby prohibited until the same shall be authorized by a majority of the legal voters of said county in the manner hereinafter prescribed, and neither the Ordinary of said county, nor the constituted authorities of any incorporated towns or villages within the limits of said county, shall issue any license whatever for the sale of spirituous liquors until thereunto authorized as hereinafter prescribed; *Provided*, that this Act shall not apply to any person or persons holding unexpired license for such sale until the expiration of said license; and *Provided further*, that the provisions of this Act does not apply to the sale of domestic wines made from grapes or berries raised on the premises of the owner or on lands leased or rented in said county, when sold in quantities not less than a quart, not to be drank on the premises where sold."

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Liquor Law for Vicinity of Walnut Grove Academy: Etc.

LIQUOR LAW FOR VICINITY OF WALNUT GROVE ACADEMY.

No. 418.

An Act to prohibit the sale of spirituous, malt or intoxicating liquors within three miles of Walnut Grove Academy, in Walton county, Georgia, and to provide a penalty for a violation of the same.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That ^{Sale of liquors prohibited.} from and after the passage of this Act, it shall not be lawful for any person or persons to sell spirituous, malt, vinous or intoxicating liquors within a radius of three miles of Walnut Grove Academy in Walton county, Georgia.

SEC. II. Be it further enacted by the authority of the same, That ^{Penalty.} any person violating any provision of the foregoing section shall be punished, upon conviction as prescribed in section 4310 of the Code, for each and every violation of said Act.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with the foregoing Act are hereby repealed.

Approved October 22, 1887.

LIQUOR LAW FOR VICINITY OF SALEM BAPTIST CHURCH IN GORDON COUNTY.

No. 420.

An Act to prohibit the sale of spirituous or intoxicating liquors within three miles of Salem Baptist Church, near McDaniel's Station, in Gordon county, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That ^{Sale prohibited.} from and after the passage of this Act, it shall be unlawful for any person or persons to sell in any quantity, or in any manner, any spirituous or intoxicating liquors within a radius of three miles of Salem Baptist Church near McDaniel's Station, in the county of Gordon, State of Georgia.

SEC. II. Be it further enacted by the authority aforesaid, That ^{Penalty.} each and every person violating the provisions of this Act as set forth in the first section shall be guilty of a misdemeanor, and upon conviction thereof in any court having jurisdiction thereof shall be punished as prescribed in section 4310 of the Code of 1882.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Prohibitory Law for Fayette County; Etc.

PROHIBITORY LAW FOR FAYETTE COUNTY.

No. 421.

An Act to prohibit the manufacture of spirituous liquors from corn, wheat, rye or other grain in the county of Fayette, and for other purposes, and to provide penalties for the same.

**Manu-
facture of
liquors pro-
hibited.** SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be unlawful for any person or persons to make or manufacture spirituous liquors from corn, wheat, rye or other grain in the county of Fayette.

Penalty. SEC. II. Be it further enacted, That any person or persons violating this Act shall be guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code of 1882.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

PROHIBITORY LAW FOR CAMPBELL COUNTY.

No. 422.

An Act to prohibit the manufacture of spirituous or malt liquors in the county of Campbell, in this State.

**Manufac-
ture, etc.,
of liquors
prohibited** SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be unlawful for any person or persons to manufacture, distill, rectify or compound, from any substance whatever, any spirituous or malt liquor, of any name or kind, except wine, within the county of Campbell, in said State; *Provided*, this Act shall not apply to any person or persons now engaged in such business until May 1, 1888.

Penalty. SEC. II. Be it further enacted by the authority aforesaid, That any person who shall violate the provisions of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4310 of the Code of Georgia.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved October 22, 1887.

LIQUOR LAW FOR VICINITY OF BETHLEHEM ACADEMY.

No. 423.

An Act to prohibit the sale of spirituous, malt or intoxicating liquors within three miles of Bethlehem Academy, in Walton county, Georgia, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, it shall not be lawful for any person or persons to sell spirituous, malt, vinous or intoxicating liquors within three miles of Bethlehem Academy, in Walton county, Georgia. Sale prohibited.

SEC. II. Be it further enacted by the authority aforesaid, That any person or persons violating any one of the provisions of the foregoing section shall be punished, upon conviction as provided in section 4310 of the Code, for each and every violation of said Act. Penalty.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with the foregoing Act are hereby repealed.

Approved October 22, 1887.

LIQUOR LAW FOR VICINITY OF METHODIST CHURCH AT JERSEY.

No. 429.

An Act to prohibit the sale of spirituous, malt or intoxicating liquors within three miles of the Methodist Protestant Church at Jersey in Walton county, Georgia, and to provide a penalty for violating the same.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act it shall not be lawful for any person or persons to sell spirituous, malt or intoxicating liquors within three miles of the Methodist Protestant Church at Jersey in Walton county, Georgia. Sale prohibited.

SEC. II. Be it further enacted by the authority of the same, That any person violating any provision of the foregoing section shall be punished, upon conviction as prescribed in section 4310 of the Code, for each and every violation of said Act. Penalty.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with the foregoing Act are hereby repealed.

Approved October 22, 1887.

Liquor Law for DeKalb County: Etc

LIQUOR LAW FOR DeKALB COUNTY.

No. 436.

An Act to prohibit the manufacture, sale, exchange, distribution, barter or furnishing for a valuable consideration, either directly or indirectly, of spirituous, vinous, malt or other intoxicating liquors, bitters or mixtures in the county of DeKalb; to prescribe a punishment for the violation of this Act, and for other purposes.

Preamble. SECTION I. Whereas, at an election held in the county of DeKalb, in the year 1885, to decide whether intoxicating liquors should be manufactured or sold in said county, a majority of the voters at said election declared against the manufacture or sale therein of intoxicating liquors; and

Manufacture, sale, etc., prohibited.

• WHEREAS, questions have been raised as to the legal construction to be made of the Act of the Legislature, approved December 24th, 1884, under which said election was held:

Therefore be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that from and after the passage of this Act it shall be unlawful for any person or persons to manufacture, sell, exchange, barter, distribute or furnish for valuable consideration, either directly or indirectly, in any quantity, in the county of DeKalb, in said State, spirituous, vinous, malt or other intoxicating liquors, bitters or mixtures.

Penalty. SEC. II. Be it further enacted, That any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4705 of the Code of Georgia, 1882.

Saving as to domestic wines, etc. SEC. III. Be it further enacted, That nothing in this Act shall be so construed as to prevent the sale of wine for sacramental purposes or of domestic wines or cider in quantities not less than a quart made by and upon the premises owned or rented by the person selling, or the furnishing or administering as medicine, by a legally registered physician, to a patient, under professional treatment by him at the time, of wines or liquors.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act, or any portion thereof, be, and the same are hereby repealed.

Approved October 22d, 1887.

PROHIBITORY LAW FOR VICINITY OF MIDWAY METHODIST CHURCH.

No. 442.

An Act to prohibit the making or selling of intoxicating liquors within three miles of Midway Methodist Church, in Banks county, in this State.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after

Prohibitory Law for Clayton County.—Liquor Law for Vicinity of Gillesville Baptist Church.

the passage of this Act, it shall be unlawful for any person or persons or corporation to make or sell, or exchange or barter, any intoxicating liquors of any kind, or in any quantity, within a radius of three miles of Midway Methodist Church in the county of Banks. Sale, etc., prohibited.

SEC. II. Be it further enacted, That any person violating the provisions of this Act shall be held guilty of a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code of this State. Penalty.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

PROHIBITORY LAW FOR CLAYTON COUNTY.

No. 504.

An Act to prohibit the manufacture of distilled spirits of all kinds, except domestic wines made from grapes or berries, within the limits of Clayton county; to provide penalties for the violation of the same, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, it shall be unlawful for any person or persons, within the limits of the county of Clayton, to manufacture any spirituous, malt or intoxicating liquors, or other distilled spirits in said county, except domestic wines made from grapes or berries. Manufacture of liquors prohibited.

SEC. II. Be it further enacted by the authority aforesaid, That any person violating the provisions of this Act shall be punished as prescribed in section 4310 of the Code of Georgia. Domestic wines. Penalty.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

LIQUOR LAW FOR VICINITY OF GILLESVILLE BAPTIST CHURCH.

No. 512.

An Act to prohibit the manufacture and sale of distilled, malt or vinous liquors within three (3) miles of Gillesville Baptist Church, in Banks county; to provide a penalty for the violation thereof, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be Sale, etc., prohibited.

Liquor Law for Vicinity of Hephzibah Baptist Church; Etc

unlawful for any person to sell, manufacture or barter distilled, malt or vinous liquors within three (3) miles of Gillesville Baptist Church in Banks county, Georgia.

Penalty. SEC. II. Be it further enacted by the authority aforesaid, That any person violating the provision of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 4310 of the Code of Georgia.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

LIQUOR LAW FOR VICINITY OF HEPHZIBAH BAPTIST CHURCH.

No. 524.

An Act to prohibit the sale of liquors within three miles of the Baptist Church at Hephzibah, Richmond county, in this State, and for other purposes.

Sale prohibited. SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person or persons to sell liquors within three miles of the Baptist Church at Hephzibah, Richmond county, in this State.

Penalty. S. c. II. Be it further enacted by the authority aforesaid, That any person or persons who may violate the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section 4310 of the Code of 1882.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

LIQUOR LAW FOR 746TH DISTRICT G. M., OF COWETA COUNTY.

No. 540.

An Act to prohibit the manufacture and sale of any spirituous, vinous, malt or other intoxicating liquors in the 746th district, G. M., of Coweta county, Georgia, and to provide a penalty for violation of the same.

Sale, etc., prohibited. SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the same, That from and after the passage of this Act, it shall not be lawful for any person or per-

Amending Liquor Law for Pike County.

sons to manufacture or sell any spirituous, vinous, malt or other intoxicating liquors in the 746th district, G. M., of Coweta county; *Provided*, that nothing in this Act shall prevent the manufacture or sale of wine made of grapes or berries grown on the premises of the manufacturer or elsewhere in this State.

SEC. II. Be it further enacted, That for the violation of the above-^{Penalty} recited section, the person or persons so violating shall be punished as prescribed in section 4310 of the Code of 1882.

SEC. III. Be it further enacted, That all laws or parts of laws in conflict with this Act are hereby repealed.

Approved October 24, 1887.

AMENDING LIQUOR LAW FOR PIKE COUNTY

No. 548.

An Act to amend an Act entitled an Act to prohibit the sale of alcoholic, spirituous or malt liquors, or intoxicating bitters, in the county of Pike after submitting the same to the qualified voters of said county; to provide a penalty, and for other purposes, approved September 18th, 1883.

SECTION I. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same, That section 1st of the above-recited Act, approved September 18th, 1883, be amended so as to read as follows: That upon application by petition, signed by one-tenth of the voters who are qualified to vote for members of the General Assembly in Pike county, in this State, the Ordinary shall order an election to be held at the places of holding elections for members of the General Assembly, to take place within forty days after the reception of such petition, to determine whether or not such spirituous liquors as are mentioned in the sixth section of this Act shall be sold within the limits of such designated places; *Provided*, that no election held under this Act shall be held in any month in which general elections are held, so that such elections as are held under this Act shall be separate and distinct from any other election whatever; *Provided, further*, that the Ordinary shall determine upon the sufficiency of the petition presented by the tax books of the year before.

SEC. II. Be it further enacted, That section 2d of the above-recited Act be amended so as to read as follows: That notice of such election to be held, as by this Act provided, shall be published once a week for four weeks in the official organ or organs of the Ordinary or sheriff of Pike county, and such other notice may be given as the Ordinary may think proper to give general publicity to the elections. Such election shall be held under the same regulations as are now provided by law for holding elections for members of the General Assembly, except as otherwise provided by this Act. All per-

Sec. 1 of
Act of
September
18, 1883,
amended.

Local op-
tion elec-
tion.

Sec. 2
amended..

Notice.

Amending Liquor Law for Pike County.

Regula-
tions for
election.

sons qualified to vote for members of the General Assembly are qualified to vote under the provisions of this Act; *Provided*, that they have actually resided in the county six months next preceding said election.

Section 3
amended.

SEC. III. Be it further enacted, That section third of the above-recited Act be amended so as to read as follows: That all persons voting at any election held under the provisions of this Act, who are against the sale of such intoxicating liquors as are mentioned in the six sections of this Act, shall have written or printed on their ballots, "Against the sale," and those who favor the sale of the articles mentioned in said six sections shall have written or printed on their ballots "For the sale."

Ballots

Sec. 4
amended.
Lists and
tally
sheets, etc.

SEC IV. Be it further enacted, That section fourth of the above-recited Act be amended so as to read as follows: That all managers of elections, held as by this Act provided, shall keep, or cause to be kept, duplicate lists of voters and tally-sheets, and it shall be the duty of such managers to deliver one list of the voters and tally-sheets to the clerk of the Superior Court, to be filed in his office, and one list of the voters, ballots and tally-sheets to the Ordinary, who shall carefully consolidate the returns, and decide all questions and contests arising under elections held by virtue of this Act. If the result of any election shall be "against the sale," the Ordinary shall

Result of
election.

publish the same once a week for four weeks in the papers in which he gave notice of the election, and this Act shall take effect as soon as such publications have been made in the time prescribed; *Provided*, that no license to sell liquors of any description prohibited by this Act shall be granted during said time of publication, except as to vested rights, within twenty days from the day on which the Ordinary declares the result; one-tenth of the number of voters, having voted at such election, may petition the Superior Court, setting out plainly and distinctly the cause of contests, when, if the cause set out is such as impeaches the fairness of the election or the conduct of the Ordinary, the judge shall grant an order, directed to three justices of the peace of the county, requiring them to recount the ballots on a given day, and report the result to the next term of the Superior Court of the county, or to the term of the court to which the petition may be returnable, at which time the case shall be heard; *Provided*, ten days' notice has been given to the Ordinary of the filing of the petition, but such petition shall not act as a *supersedeas* of the result as declared by the Ordinary, nor shall the judge grant a *supersedeas*, and the contest so instituted shall not be continued by the Superior Court, but must be tried and determined at the term to which the same is returnable, provided such term is held, and if the same is not held, then at the next regular term of the court, and in the event that any one or more of the plaintiffs, or defendants to such contest shall die pending the contest, it shall not be necessary to make parties in place of such deceased party or parties, plaintiffs or defendants; either party may subpoena witnesses to prove either fraud in the ballots, the counting thereof, or in the conduct of the Ordinary, or of the managers of the election, and introduce evidence to establish either proposition or the converse thereof. The judg-

Contests,
etc.

Amending Liquor Law for Pike County.

ment of the Superior Court shall be final, unless the case is carried to the Supreme Court for review. If the election shall appear to have been fraudulently conducted, or the votes fraudulently counted, the judge shall have power to declare the result and to overrule the action of the Ordinary in the premises.

SEC. V. Be it further enacted, That section fifth of the above-recited Act be amended so as to read as follows: That if the result of any election, held under the provisions of this Act, shall be for or against the sale, then no other elections shall be held in the county in less than two years thereafter, which must be done under a new petition as aforesaid and by otherwise conforming to this Act.

SEC. VI. Be it further enacted, That Section VI. of the above-recited Act be amended by striking therefrom said Section VI., and inserting in lieu thereof the following to be known as Section VI., to-wit: That if a majority of the votes cast at any election, held as by this Act provided, shall be against the sale, it shall not be lawful for any person within the limits of the county to sell or barter for a valuable consideration, either directly or indirectly, or give away to induce trade at any place of business, or furnish at other public places any alcoholic, spirituous, malt or intoxicating liquors, or intoxicating bitters, or other drinks which, if drank to excess, will produce intoxication; *Provided*, that nothing in this Act shall be so construed as to prevent the manufacture, sale and use of domestic wines or cider, or the sale of wines for sacramental purposes; *Provided*, such wines or cider shall not be sold in bar-rooms by retail, nor shall anything herein contained prevent licensed druggists from selling or furnishing pure alcohol for medicinal, art, scientific and mechanical purposes; *Provided further*, that prohibition in the county of Pike shall remain in full force until repealed by a vote of the people under the provisions of this Act.

SEC. VII. Be it further enacted, That when any election that may be held under this Act shall result in the repeal of the prohibition law now of force in the county, it shall not then be lawful for any person to engage in the sale of spirituous or intoxicating liquors, ale, beer nor wine, except domestic wine manufactured by the person offering the same for sale, from fruits raised by himself on lands located in the county of Pike, without first obtaining from the Ordinary of said county a license authorizing said sale upon the terms and conditions hereinafter named; *Provided*, that the provisions herein contained as to the manner of obtaining license shall not be construed to apply to any incorporated towns in said county.

SEC. VIII. Be it further enacted, That any person desiring to obtain such license shall file with said Ordinary a written application for the same, which application shall set forth the place at which said business is to be located, and that the consent in writing of two-thirds of the *bona fide* freeholders, residing within three miles of said place, and who have been such for six months next preceding the date of such application, has been obtained, and also the names of said freeholders.

SEC. IX. Be it further enacted, That when such application is filed, it shall be the duty of the clerk of said board to give thirty

Amending Liquor Law for Coweta County.

Notice of application. (30) days' notice of such application, setting forth the location of said business and the time and place when said application will be heard, by advertising in the paper in which sheriff's sales are, once a week for four (4) weeks and posting notice at three (3) most public places in district where such bar-room is to be located.

Caveat. SEC. X. Be it further enacted, That it shall be lawful for any citizen or freeholder of said county to appear and caveat said application by showing that the consent of two-thirds ($\frac{2}{3}$) of the freeholders, as hereinbefore provided, have not been obtained.

Result of caveat. SEC. XI. Be it further enacted, That upon hearing said application, if said commissioners shall be satisfied that two-thirds of the freeholders, as hereinbefore provided, have consented to the issuing of said license, then it shall be the duty of said commissioners to issue said license, but if satisfied that such consent has not been obtained, it shall be their duty to refuse to issue the same.

Penalty for sale without license. SEC. XII. Be it further enacted, That any person engaged in said sale in said county without first having obtained such license in the manner hereinbefore set forth, or otherwise violating this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in section 4310 of the Code of Georgia.

SEC. XIII. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

AMENDING LIQUOR LAW OF COWETA COUNTY.

No. 581.

An Act to amend an Act entitled "An Act to prohibit the sale of spirituous, vinous, malt or other intoxicating liquors in the county of Coweta, and to provide a penalty for the violation of the same," approved September 8th, 1883, so as to limit and fix the terms of the licensed sellers appointed by the Ordinary; to authorize sales by their clerks; to give to the commissioners of roads and revenue certain powers, and for other purposes.

Sec. 7 of Act of September 8, 1883, amended. Consent of municipal authorities. Selection of clerk. Term of appointment. Consent requisite to appointment outside of towns, etc. SECTION I. It is enacted by the General Assembly of the State of Georgia, That section seventh of the above-recited Act be, and is hereby amended by striking out the words "county and," and inserting in lieu thereof the following: "And county and obtaining the consent of the municipal authorities when the business is to be done," and by inserting between the words "sell" and "wine" the following: "by himself or clerk, the selection of which clerk shall be approved by the Ordinary," and by adding to said section, after the words "one dollar," the following: "The terms of the persons now selling under appointment by the Ordinary shall expire May 1st, 1888, unless their appointment be sooner revoked by the commissioners of roads and revenues, and all appointments of such sellers made by the Ordinary after the passage of this Act shall be for a term of two years from the first day of May preceding the appointment (except that when appointment takes effect on May the 1st, it shall be for two years from that time); *Provided, however,* he shall not appoint such

Amending Liquor Law of Coweta County.

seller of wines and liquors to do business, not in an incorporated town or city, except upon petition of (two-thirds) of the persons qualified to vote for members of the General Assembly residing within three miles of the place where the business is to be conducted under such appointment," so that said section when amended will read as follows: "That in the event the result of said election is in favor of prohibition, the Ordinary of said county may appoint not more than three druggists, apothecaries or physicians, no two of whom shall sell in the same militia district, who, upon subscribing to an oath and giving bond, with good security, in the sum of five hundred dollars, to comply with the provisions of this Act, and paying any sum of money that may be required for license by the State and county and obtaining the consent of the municipal authorities where the business is to be done, may be authorized to keep and sell by himself or clerk, the selection of which clerk shall be approved by the Ordinary, wine for sacramental purposes and alcoholic, or any other vinous, malt or spirituous liquors for medical, chemical, mechanical or manufacturing purposes in quantities not less than one quart. Said affidavit and bond shall be recorded by the Ordinary and kept in his office, for which his fee shall be one dollar. The terms of the persons now selling under appointment by the Ordinary shall expire May 1st, 1888, unless their appointment be sooner revoked by the commissioners of roads and revenue, and all appointments of such sellers, made by the Ordinary after the passage of this Act, shall be for a term of two years from the first day of May preceding the appointment, except that when appointment takes effect on May 1st it shall be for two years from that time; *Provided, however,* he shall not appoint such seller of wines and liquors to do business, not in an incorporated town or city, except upon petition of (two-thirds) of the persons qualified to vote for members of the General Assembly, residing within three miles of the place where the business is to be conducted under such appointment."

Section as amended.

SEC. II. It is further enacted, That section eighth of the above-recited Act be amended by inserting between the words "physician" and "who is hereby" the words "or clerk appointed as aforesaid," and by adding to said section the following: Said book shall be submitted to the commissioners of roads and revenues of Coweta at each of their regular monthly meetings for their examination. Said board of commissioners of roads and revenues shall have supervision of the sale of liquors in said county, and are authorized, empowered and required to have inspected, examined and tested, in such way and upon terms as they may think best, such liquors as are kept for sale by such licensed sellers, and to forbid the sale of such as are not in their opinion of such quality and purity as should be kept by such seller for sale for the purposes authorized by law, and to fix the maximum percentage that may be charged on liquors by the seller. Said board shall have power to call for and examine bills for purchase of liquors allowed sold, and to examine licensed sellers under oath as to all matters connected with their business as such sellers. They shall have power, after notice and opportunity for hearing, to revoke the appointment of any of said sellers, and forbid his selling liquors, as aforesaid, in said county of Coweta, whenever,

Sec. 8 amended.

Clerk.

Supervision by county commissioners.

Amending Liquor Law of Coweta County.

Section as amended.

in the opinion of said board of commissioners, he is not conforming in good faith to the law regulating the sale of liquors in Coweta county. Said board may also remove any seller, not in an incorporated town or city, and revoke his appointment, whenever petitioned to do so by a majority of the persons qualified to vote for members of General Assembly, residing within three miles of his place of business, so that said section when amended shall read as follows: That any druggist, apothecary or physician, having a license to keep and sell such liquors as are by this Act provided, shall not sell the same to any person, unless the person applying to purchase the same shall make and sign an affidavit that said liquors are needed by the applicant for medicinal, mechanical or chemical purposes, and will not be used as a beverage, which affidavit shall be made before said licensed druggist, apothecary or physician, or clerk appointed as aforesaid, who is hereby authorized to administer the same. Said affidavit shall be recorded in a book to be kept for that purpose, which book said druggist, apothecary or physician shall, on the first day of each term of the Superior Court, lay before the grand jury of said county, to be examined by them, and if the grand jury shall find that such licensed druggist, apothecary or physician has not conformed to the spirit and intention of this Act, and has sold any of the aforesaid liquors to any person when he had reason to believe the same was not wanted for medicinal, mechanical or chemical purposes, he shall be indicted for a misdemeanor as prescribed in Section XIV. of this Act; said book of affidavits shall be open at any time for the inspection of any officer or citizen of said county; said book shall be submitted to the commissioners of roads and revenues of Coweta at each of their regular monthly meetings for examination. Said board of commissioners of roads and revenues shall have supervision of the sale of liquors in said county, and are authorized, empowered and required to have inspected, examined and tested, in such way and at such times as they may think best, such liquors as are kept for sale by such licensed sellers and to forbid the sale of such as are not in their opinion of such quality and purity as should be kept by such seller for sale for the purposes authorized by law, and to fix the maximum percentage that may be charged on liquors by the seller. Said board shall have power to call for and examine bills for purchase of liquors allowed sold, and to examine licensed sellers under oath as to all matters connected with their business as such sellers. They shall have power, after notice and opportunity for hearing, to revoke the appointment of any of said sellers, and forbid his selling liquors as aforesaid in said county of Coweta whenever, in the opinion of said board of commissioners, he is not conforming in good faith to the law regulating the sale of liquors in Coweta county. Said board may also remove any seller not in an incorporated town or city, and revoke his appointment whenever petitioned to do so by a majority of the persons qualified to vote for members of the General Assembly residing within three miles of his place of business.

Sec. 13 amended

SEC. III. It is further enacted by the authority aforesaid, That section thirteenth of the above-recited Act be so amended as to add

Amending Liquor Law of Coweta County.

thereto the following: "And no incorporated town or city in said county of Coweta shall have power to levy any tax upon the business of said seller appointed by the Ordinary, but all and each of said towns and cities shall have power to prohibit the sale of spirituous, vinous or malt liquors within their corporate limits, and shall have power to prescribe such restrictions as they may deem necessary, not prohibited by law," so that said section when amended shall read as follows: "That this Act shall not be held to repeal any existing laws of any municipality or locality of said county prohibiting the sale of said liquors; and no incorporated town or city in said county of Coweta shall have power to levy any tax upon the business of said seller appointed by the Ordinary, but all and each of said towns and cities shall have power to prohibit the sale of spirituous, vinous or malt liquors within their corporate limits, and shall have power to prescribe such restrictions as they may deem necessary, not prohibited by law."

Tax on appointed liquor seller.

Prohibitory power.

Section as amended.

SEC. IV. Be it further enacted, That this Act shall not take effect until on and after January 1st, 1888.

When this Act takes effect.

SEC. V. It is further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and are hereby repealed.

Approved October 24, 1887.

Exempting Atlanta Artillery from Jury Duty.

TITLE X.

MISCELLANEOUS.

ACTS.

Exempting Atlanta Artillery from jury duty.
 Jail for Burke county.
 Prohibiting drunkenness, etc., in South View Cemetery.
 Land for United States building in Savannah.
 Exemption of Southern Cadets from jury duty.
 Taxation in Marion county.
 Regulations for voting in Fulton county.
 Incorporating First Volunteer Regiment of Georgia.
 Court-houses in each militia district of Campbell county.
 Hire of misdemeanor convicts in counties of Northern Judicial Circuit.
 Exempting Richmond Hussars from jury duty.
 Sale of insolvent tax *fs.* of Telfair county.
 Authorizing commissioners of Greene county to relieve Miles G. Copeland.
 Amending Act creating board of assessors, etc., of Richmond county.
 Fines, etc., in County Court of Sumter county.
 New court-house for Mitchell county.
 Exempting Atlanta Rifles from jury duty.
 Disposition of fund arising from sale of certain fences in Fulton county.
 Exempting Clarke Light Infantry from jury duty.
 Examiners of engineers, etc., for Fulton county.
 Transportation of cotton seed in or from Harris county.
 Prohibiting sale of cotton in the seed in Monroe county.

EXEMPTING ATLANTA ARTILLERY FROM JURY DUTY.

No. 146.

An Act to exempt from jury duty one hundred and twenty-five members of the "Atlanta Artillery," of Atlanta.

One
hundred
and twenty
five
members
exempted.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That one hundred and twenty-five members of the "Atlanta Artillery," a volunteer organization of the city of Atlanta, shall be, and they are hereby exempted from jury duty in the City Court of Atlanta, the Superior Courts of Fulton county and the justice's courts of said county under such rules, regulations, and requirements as may be established by the rules governing said company.

List to be
filed

SEC. II. Be it further enacted, That a correct list of said exempted members shall be kept on file in the office of the Clerk of the Superior Court of Fulton county, which list shall be certified to be correct by the commanding officer and first sergeant of said company.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 5th, 1887.

Jail for Burke County.

JAIL FOR BURKE COUNTY.

No. 158.

An Act authorizing the commissioners of roads and revenue of the county of Burke, State of Georgia, to issue and sell bonds of the said county of Burke to the limit of twelve thousand dollars, one-third thereof payable in three years, one-third in six years and one-third in nine years, all at seven per centum interest per annum from date, for the purpose of purchasing a new jail lot and building a new jail for said county, with all necessary appointments and conveniences, and to provide for the payment of said bonds.

SECTION I. Be it enacted by the General Assembly of the State, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, the commissioners of roads and revenue of the county of Burke, State of Georgia, shall have power and authority to issue bonds of the said county of Burke to the limit of twelve thousand dollars, one-third of said bonds to become due and payable in three years, one-third in six years and one-third in nine years from date—all to draw interest from date at the rate of seven per centum per annum—for the purpose of purchasing a new jail lot and building a new jail for said county, with all necessary appointments and conveniences, or to issue as many thereof as may be necessary for the said purposes, the total amount not to exceed the sum of twelve thousand dollars. Said bonds to be issued for any even hundred dollars ranging from one hundred dollars up to one thousand dollars; and when thus issued, said commissioners of roads and revenue of said county shall have power and authority to negotiate and sell said bonds to the best advantage of said county.

SEC II. Be it further enacted by the authority aforesaid, That all funds raised by the issue and sale of said bonds shall, by the said commissioners, be deposited in the hands of the treasurer of said county to be kept by him as a separate fund for jail purposes, subject to be checked out, from time to time, by the chairman of said board of commissioners as it may be needed for said jail purposes.

SEC. III. Be it further enacted by the authority aforesaid, That said commissioners of roads and revenue of said county shall have power and authority to assess and collect such extra per centum of tax upon the State tax of the county of Burke "beyond that now allowed by law," as they may deem necessary and proper for the prompt payment of the principal and interest of said bonds as they may respectively become due.

SEC. IV. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 9, 1887.

 Prohibiting Drunkenness, etc., in South View Cemetery; Etc.

PROHIBITING DRUNKENNESS, ETC., IN SOUTH VIEW CEMETERY.

No. 178.

An Act to prohibit drunkenness and indecent and disorderly conduct in South View Cemetery, in Fulton county, and within one-fourth of a mile of the same; to provide penalties therefor; to give the City Court of Atlanta jurisdiction of such offences, and to empower the guards of said cemetery, or other persons appointed by the trustees thereof, to make arrests.

SECTION I. The General Assembly of the State of Georgia does enact, That drunkenness, indecent or lewd conduct or behavior, disorderly conduct of any kind, are hereby prohibited within South View Cemetery, in Fulton county, and within one-fourth of a mile of the same in any direction.

SEC. II. Any person violating the provisions of the foregoing section shall be arrested by the sheriff or deputy sheriff of Fulton county, by any member of the police force of the city of Atlanta, or by the guards or officers of said cemetery, and carried before the City Court of Atlanta for trial, or before a justice of the peace for examination.

SEC. III. That jurisdiction of any and all such offences is hereby vested in the City Court of Atlanta, and any person convicted of a violation of the first section of this Act shall be punished as prescribed in section 4310 of the Code of this State.

SEC. IV. That all laws and parts of laws conflicting with the provisions of this Act be, and the same are hereby repealed.

Approved September 20, 1887.

LAND FOR UNITED STATES BUILDING IN SAVANNAH.

No. 187.

An Act to provide for the taking of land, which is private property, in the city of Savannah, for the purpose of erecting thereon a building for the use of the United States Government for a post-office, court-house and other uses.

SECTION I. WHEREAS, the Congress of the United States has appropriated two hundred thousand dollars for the purchase of ground and erection of a building for the public use in the city of Savannah, and it may be necessary to take private property to secure an eligible site for said building: therefore be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That in the event the owner or owners of any land in the city of Savannah, which the United States Government desires to purchase for the purposes aforesaid, is or are unwilling to sell, or is or are unwilling to take the amount which the United States Government shall offer for the said land, then upon an application by the duly authorized agent of said government to the

Exemption of Southern Cadets from Jury Duty.

Governor of Georgia, said Governor shall appoint immediately one person to act as appraiser, and the owner of each lot or parcel of land to be taken shall select another person, and the two appraisers thus selected shall select a third, which three persons shall be a commission to assess and determine the just and adequate compensation to be paid to said owner or owners for said land. The said commissioners shall act without delay, and put their award in writing signed, and file it in the office of the clerk of the Superior Court of Chatham county. The commissioners shall, at the same time, give to the owner of the land thus valued a copy of their award, and said owner shall have the right, within five days after such notice of the award, to enter an appeal to said Superior Court of Chatham county, on filing in said clerk's office an affidavit that he is dissatisfied with said award, and believes that the value thus set on his property is not just and adequate compensation. Said appeal shall be tried and disposed of as other appeal cases, except that it shall be the duty of the Judge of said Superior Court to dispose of said appeal by trial at the earliest practicable date during the first term of said court after said appeal is made; *Provided*, that nothing herein contained shall be so construed as to authorize the condemnation of any property in said city, used as a private residence, without the consent of the owner of such property. Private residences exempt.

SEC. II. Be it further enacted by the authority aforesaid, That all laws or part of laws in conflict with this Act be, and the same are hereby repealed.

Approved September 20, 1887.

EXEMPTION OF SOUTHERN CADETS FROM JURY DUTY.

No. 192.

An Act, to amend an Act, approved September 4th, 1885, entitled an Act to grant certain exemptions to the Southern Cadets, a volunteer military company in the county of Bibb.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That section one (1) of an Act, approved September 4th, 1885, entitled an Act to grant certain exemptions to the Southern Cadets, a volunteer military company in the county of Bibb, be amended by striking therefrom the word fifteen (15) and inserting in lieu thereof the word twenty-five (25), so that section as amended shall read as follows: "That twenty-five honorary members of the Southern Cadets, a volunteer military company in the county of Bibb, be exempted from all jury duty in the county of Bibb upon the condition hereinafter prescribed. Twenty-five honorary members exempt."

SEC. II. Be it further enacted by authority of the same, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved September 20, 1887.

Taxation in Marion County; Etc.

TAXATION IN MARION COUNTY.

No. 226.

An Act to allow the Ordinary of the county of Marion to levy a tax of one hundred and fifty per cent. upon the State tax for the years 1887, 1888 and 1889, for county purposes, or so much of the same for the last named year as is found necessary to pay off the indebtedness of said county.

Tax of 150 per cent. on State tax authorized. For what years.

SECTION I. Be it enacted by the General Assembly, and it is so enacted by the same, That the Ordinary of the county of Marion, in this State, be, and is hereby authorized and allowed to levy a tax of one hundred and fifty per cent. upon the State tax of that county for the year one thousand eight hundred and eighty-seven (1887), one thousand eight hundred and eighty-eight (1888), one thousand eight hundred and eighty-nine (1889), or so much of the same for the last named year as is found necessary to pay off the indebtedness of said county.

SEC. II. Be it further enacted, That all laws militating against this Act be, and the same are hereby repealed.

Approved September 23, 1887.

REGULATIONS FOR VOTING IN FULTON COUNTY.

No. 234.

An Act to require the commissioners of roads and revenues of Fulton county to establish a voting precinct in each ward in the city of Atlanta, and to require voters to vote in the wards and militia districts of their residence, and not elsewhere; to require persons in registering to give their ward, street and number of their residence, and to provide the hours for the opening and closing of said precincts, and for other purposes.

Precinct in each ward of Atlanta.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be the duty of the commissioners of roads and revenues of Fulton county to establish a voting precinct in some convenient and accessible place in each ward in the city of Atlanta, and to change the location of the same, in their discretion, from time to time.

Managers

Clerks.

SEC. II. Be it further enacted by the authority aforesaid, That it shall be the duty of the Ordinary of said county, whenever there is an election to be held for said county, to select for each precinct a justice of the peace and two freeholders, or three freeholders without a justice of the peace, who shall be the managers of said election at each of such precincts, and said Ordinary shall also appoint clerks for such elections, not less than three for each precinct; in the event of the failure or refusal of any manager or clerk to serve, then the vacancy to be filled by the appointment of the manager or managers present, and in the event of the failure or refusal of all the man-

Incorporating First Volunteer Regiment of Georgia.

agers appointed to serve, then any three freeholders of the district or ward may hold said election.

SEC. III. Be it further enacted by the authority aforesaid, That all persons hereafter voting in any election, held in and for said county, shall be required to vote in the ward in which they live, if in the city, and in the militia district of their residence, if outside of the city, and not elsewhere. ^{Voting must be in ward or district of residence.}

SEC. IV. Be it further enacted by the authority aforesaid, That it shall be the duty of the registrars, in registering voters, to enter on his books the ward in which the voter resides, if in the city, and also the street and number, if any, of the residence of the voter, and if no number, the side of the street upon which he resides and between what streets. ^{Registration.}

SEC. V. Be it further enacted by the authority aforesaid, That at all precincts within the city of Atlanta the polls shall be opened at seven o'clock a. m. and close at six o'clock p. m. on the day of the election. ^{Polls.}

SEC. VI. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved.

INCORPORATING FIRST VOLUNTEER REGIMENT OF GEORGIA.

No. 241.

An Act to incorporate the First Volunteer Regiment of Georgia; to empower the same; to acquire, hold and dispose of property, and to issue bonds, which may be a lien thereon, and for other purposes.

SECTION I. Be it enacted by the Senate and House of Representatives in General Assembly met, That the First Volunteer Regiment of Georgia, located in the city of Savannah, and at present composed of the following volunteer companies of said city: the Republican Blues, the Irish Jasper Greens, the German Volunteers, the Oglethorpe Light Infantry and the Savannah Cadets, be, and the same are hereby incorporated and made a body politic under said name, with the right to acquire real and personal property by purchase, gift, device or otherwise, for the purpose of its organization, and to sell or dispose of the same; to enjoy a perpetual succession; to sue and be sued; to have and use a common seal; to make by-laws binding on its own members, not inconsistent with the laws of this State or of the United States; to exercise all such powers and privileges as are incident to corporations, and to do all such acts as are necessary for the legitimate execution of said purpose; *Provided always*, that nothing herein contained shall in any manner defeat or impair the existing charters of incorporation of said several companies. ^{First Volunteer Regiment of Georgia. Companies of.}

SEC. II. Be it further enacted, That said First Volunteer Regiment in its corporate name may issue coupon bonds, or other obligations in writing, not to exceed in amount the value of its property as improved, and may make the same or any part thereof a first or other ^{May issue bonds.}

Court-houses in Each Militia District of Campbell County: Etc.

lien, by way of mortgage or otherwise, upon the whole or any portion of its said property, for the purpose of raising funds to erect, improve, equip and maintain a suitable military armory and drill-room, with the necessary and proper adjuncts and auxiliaries.

Repealing
clause.

SEC. III. Be it further enacted, That all laws and parts of laws contrary to the provisions of this Act be, and the same are hereby repealed.

Approved September 29th, 1887.

COURT-HOUSES IN EACH MILITIA DISTRICT OF CAMPBELL COUNTY.

No. 304.

An Act requiring the commissioners of roads and revenues of the county of Campbell, State of Georgia, to build court-houses in each militia district.

Courthouses for justices courts in Campbell county.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That within six months from the passage of this Act, the commissioners of roads and revenues of the county of Campbell be required to have built in each militia district of said county a suitable building for the purpose of holding justice courts, the cost of the erection of each building not to exceed seventy-five dollars, to be paid out of the treasury of said county.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 10th, 1887.

HIRE OF MISDEMEANOR CONVICTS IN COUNTIES OF NORTHERN JUDICIAL CIRCUIT.

No. 327.

An Act to appropriate the proceeds of the hire of misdemeanor convicts in the counties composing the Northern Judicial Circuit to the payment of the costs accruing to the officers of court in which the conviction was had, and for distribution on the insolvent costs.

Hire of misdemeanor convicts in counties of Northern circuit—how appropriated. Provided grand jury recommends. Hancock and Lincoln counties excepted.

SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, the proceeds of the hire of misdemeanor convicts in the several counties composing the Northern Judicial Circuit shall be appropriated, first, to the payment of the costs accruing to the officers of court, including the costs due the officers in the Superior Court on transferred cases, any balance to be distributed as other fines and forfeitures; *Provided*, nothing in this Act shall interfere with the rights of the officers of county courts as now fixed by law; *Provided further*, that the provisions of this Act shall not apply to any county embraced within the Northern Judicial Circuit until the same shall first receive the approbation and sanction of the grand jury of the county to be affected by the terms of the Act; *Provided*, that the provisions of this Act shall not apply to the counties of Lincoln and Hancock.

Exempting Richmond Hussars from Jury Duty.—Sale of Insolvent Tax *Fi. Fas.* of Telfair County.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved October 15, 1887.

EXEMPTING RICHMOND HUSSARS FROM JURY DUTY.

No. 353.

An Act to exempt seventy of the active members of the Richmond Hussar Military Company, of Augusta, from jury duty

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, seventy of the active members of the Richmond Hussar Military Company, of the city of Augusta, shall not be required to do jury duty, but shall be exempt from the same. Richmond Hussars exempted from jury duty.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 20, 1887.

SALE OF INSOLVENT TAX *FI. FAS.* OF TELFAIR COUNTY.

No. 373.

An Act to authorize the Ordinary of Telfair county to sell all insolvent tax *fi. fas.* belonging to the county.

SECTION I. Be it enacted by the Senate and House of Representatives, From and after the passage of this Act, it shall be the duty of the Ordinary of Telfair county to sell at public outcry, before the court-house door, all the insolvent tax *fi. fas.* belonging to the county, separately or in such lots as he thinks most advantageous to the interest of the county, after having given four weeks' notice in the newspaper in which sheriff's sales are advertised of his intention to sell, giving the number of *fi. fas.* without giving the names of the parties, which sale must be made on the first Tuesday in some month, and the Ordinary is authorized to transfer the *fi. fas.* to the purchaser. Insolvent tax *fi. fas.*, how sold in Telfair county.

SEC. II. Be it further enacted, That the Ordinary, after paying the expense of advertising, shall pay over to the county school commissioner the proceeds of the sale. Proceeds of sale.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

Authorizing Commissioners of Greene County to Relieve Miles G. Copeland; Etc.

**AUTHORIZING COMMISSIONERS OF GREENE COUNTY TO RELIEVE
MILES G. COPELAND.**

No. 392.

An Act to authorize the county commissioners of Greene county to relieve Miles G. Copeland, former tax collector of said county, from further liability on a tax execution issued against him for county taxes for the year 1884, and to cancel the same.

SECTION I. Be it enacted by the General Assembly of Georgia, That the county commissioners of Greene county are hereby authorized to relieve Miles G. Copeland, former tax collector of Greene county, from further liability on a tax execution issued against him for county taxes for the year 1884, and to cancel the same; *Provided*, that said county commissioners shall not be authorized to relieve said Copeland unless the next grand jury shall so recommend.

Relief of
Miles G.
Copeland
for tax
collector
of Greene
county,
if recom-
mended by
grand jury.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

**AMENDING ACT CREATING BOARD OF ASSESSORS, ETC., OF
RICHMOND COUNTY.**

No. 405.

An Act to amend an Act entitled "An Act to provide a board of assessors of real and personal property subject to taxation for the county of Richmond, and for other purposes," approved October 15, 1885, by adding to section seven (7) of said Act the words, "For the purpose of hearing and determining appeals taken from their assessments, the said board of assessors shall meet in the tax receiver's office, from time to time, up to the first day of July of each year. Due notice through one or more of the public gazettes of the county shall be given of the time and place of said meeting," and by providing for compensation for the secretary of said board.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That an Act entitled "An Act to provide a board of assessors of real and personal property subject to taxation for the county of Richmond, and for other purposes," approved October 15th, 1885, be, and the same is hereby amended by adding to section seven (7) of said Act the words, "For the purpose of hearing and determining appeals taken from their assessments, the said board of assessors shall meet in the tax receiver's office from time to time, up to the first day of July of each year. Due notice through one or more of the public gazettes of the county shall be given of the time and place of said meeting," so that said section seven (7) thus amended shall read as follows:

Tax assess-
ors of
Richmond
county.

Appeals.

How en-
tered.

"Any person or persons, or body corporate, dissatisfied with his or their assessment, or whose return has been refused by the receiver, shall have the right and privilege of appearing before said board of

Fines, etc., in County Court of Sumter County.

assessors, and of being heard, and the said board shall receive the return, if the same be correct, or shall proceed to alter, amend or correct the assessment complained of, as the case may be, so as to conform to the truth. For the purpose of hearing and determining appeals taken from their assessments, the said board of assessors shall meet in the tax receiver's office, from time to time, up to the first day of July of each year. Due notice through one or more of the public gazettes of the county shall be given of the time and place of said meeting."

SEC. II. Be it further enacted, That the secretary of said board of assessors shall receive such compensation as said board shall fix and determine, not to exceed three (\$3.00) dollars per day, for the days said board is in session, said compensation to be paid out of the county treasury by the county authorities upon the order of said board. Secretary of board, how paid.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

FINES, ETC., IN COUNTY COURT OF SUMTER COUNTY.

No. 406.

An Act to repeal an Act entitled an Act to provide for the disposition of fines and forfeitures from cases arising in the County Court of Sumter county, Georgia, said Act approved September 15th, 1883, and to provide for the future disposition of all fines and forfeitures arising from cases tried in said court.

SECTION I. Be it enacted by the General Assembly, That an Act entitled "An Act to provide for the disposition of fines and forfeitures arising in the County Court of Sumter county, and for other purposes," be, and the same is hereby repealed. Fines, etc., in County Court of Sumter county.

SEC. II. Be it further enacted, That from and after the passage of this Act, that all fines and forfeitures from cases arising in the County Court of Sumter county be paid over to the county solicitor of said court and by him to be disbursed under the same rules and regulations as fines and forfeitures are distributed in the Superior Courts from cases pending therein, and that all fines and forfeitures from cases transferred from the Superior Court shall be paid to the Solicitor-General thereof, who, after paying the costs which have accrued in the County Court, to the proper officers thereof, and to himself his own fees for prosecuting such cases in said court shall report the residue, if any, to the Superior Court for distribution according to the same rules that fines and forfeitures are distributed in said court. How applied.

SEC. III. Be it enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22d, 1887.

NEW COURT-HOUSE FOR MITCHELL COUNTY.

No. 416.

An Act authorizing the county commissioners of Mitchell county to submit to the qualified voters of said county the question of the issuance of county bonds to pay for the erection of a court-house in said county, and to authorize the chairman of said board of county commissioners and the treasurer of said county to sign and issue said bonds and coupons attached, in case two-thirds of the qualified voters of said county, voting at said election, shall cast their ballots in favor of said bonds; also for the sale and redemption of said bonds, and for other purposes.

Bonds of
Mitchell
county to
build a
court-
house—
election
for.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That it shall be the duty of the board of county commissioners of the county of Mitchell, in said State, and they are hereby authorized and empowered to submit to the qualified voters of said county, at an election to be held for that purpose, the question of issuing bonds of said county, with coupons attached, for the purpose of paying for a new court-house to be erected in said county.

Notice of
election.

SEC. II. Be it further enacted, That said county commissioners shall order said election to be held at the various election precincts in said county, and publish said order for election once a week for four weeks in the newspaper in which the county advertising is done before said election shall take place.

Voters.

SEC. III. Be it further enacted, That all persons qualified to vote for members of the General Assembly are hereby authorized to vote in said election, and said election shall be held at the same places and in the same manner as is prescribed by law for elections for county officers, and each voter shall have written or printed on his ticket, "For Bonds" or "Against Bonds."

Ballots.

Returns.
Result—
how de-
clared.

SEC. IV. Be it further enacted, That the returns of said election shall be made and submitted to the board of county commissioners of said county, who is authorized to pass upon the same and declare the result.

Bonds—
how is-
sued.

SEC. V. Be it further enacted, That if two-thirds of the voters voting in said election shall cast their ballots "For Bonds," and the board of county commissioners shall so declare, it shall be their duty to have prepared and issued the bonds of said county, not to exceed twelve thousand dollars, in denominations as follows: Four thousand dollars in one hundred dollar bonds, four thousand dollars in five hundred dollar (\$500) bonds, and four thousand dollars in one thousand dollar (\$1,000) bonds, to which shall be attached coupons bearing six per cent. interest per annum, payable annually on the first day of January, upon their presentation to the County Treasurer of said county, and said commissioners shall keep a true record of the number, description, denomination and maturity of each and all the bonds issued under this Act.

Record of.

SEC. VI. Be it further enacted, That it shall be the duty of the said commissioners, before the said bonds are offered for sale, to file

New Court house for Mitchell County

with the Ordinary of said county, to be recorded by him in the book required by law to be kept by him, "for the record of all accounts current," a true statement of the financial condition of the county as shown by the books and records of said county, and said statement shall be open to the inspection of all parties interested.

SEC. VII. Be it further enacted, That said bonds and coupons shall be signed by the chairman of the board of county commissioners, and countersigned by the County Treasurer of said county in their official capacity, and the faith and credit of said county are hereby pledged for their payment, and said bonds and coupons when due shall be receivable for all taxes, dues and debts to said county.

How signed.

Receivable for taxes.

SEC. VIII. Be it further enacted, That said bonds shall become due and redeemable as follows: One thousand dollars on the first day of January, 1893, and one thousand dollars annually thereafter until all of said bonds are paid, including principal and interest; and the county authorities of said county, authorized by law to levy taxes for county purposes, are hereby required to provide for their payment by taxation as they become due, and when and at the time each of said bonds becomes due and is paid, it shall be the duty of said commissioners to enter on each bond, over the signatures of a majority of said commissioners, an endorsement that such bond has been duly paid and cancelled, with the date of same, and said commissioners shall keep an accurate record and register of all of said bonds so redeemed and cancelled, showing the number, denomination and date, both of the payment and destruction of the same.

When due.

How paid.

How cancelled.

SEC. IX. Be it further enacted, That the board of county commissioners of said county, when said bonds and coupons have been duly printed and signed as hereinbefore provided, shall put the same upon the market at not less than their par value, and shall deposit the proceeds arising from their sale, in the bank of the Central Railroad and Banking Company, located at Albany or Savannah, in this State, there to remain until otherwise disposed of by the board of county commissioners of said county, which they are hereby authorized to do; but in no event are the funds arising from the sale of said bonds to be used for any other purpose than is prescribed in this Act.

How sold and proceeds deposited.

SEC. X. Be it further enacted, That the cost of said court-house, to be erected under the provisions of this Act, and from the proceeds, in whole or in part, arising from the sale of said bonds, shall not in any event exceed in amount the sum of twelve thousand dollars, and should a balance be on hand from the proceeds of the sale of said bonds after completing and furnishing said court-house, it shall be the duty of said commissioners to cover said surplus into the county treasury for county purposes.

Cost of court-house.

SEC. XI. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22nd, 1887.

Exempting Atlanta Rifles from Jury Duty; Etc.

EXEMPTING ATLANTA RIFLES FROM JURY DUTY.

No. 431.

An Act to exempt one hundred and twenty-five members of the Atlanta Rifles from jury duty.

Atlanta
Rifles ex-
empted
from jury
duty.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That one hundred and twenty-five members of the Atlanta Rifles, a volunteer infantry organization of the city of Atlanta, be, and the same are hereby exempted from jury duty.

SEC. II. Be it further enacted by authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

DISPOSITION OF FUND ARISING FROM SALE OF CERTAIN FENCES IN FULTON COUNTY.

No. 443.

An Act to require the county commissioners of Fulton county to surrender the amount of funds now in the hands of the County Treasurer arising from the sale of fences which were the dividing lines between Fulton and DeKalb counties, and to give the same to the district or districts from which the tax was levied for the erection of the same, and for other purposes.

Preamble.

WHEREAS, There is now in the treasury of Fulton county certain sums of money which were realized from the sale of fences, separating the Peachtree (1362) district G. M. and South Bend (1348) district G. M. from the county of DeKalb; and

WHEREAS, The money to build said fences was raised by taxation on the property of said districts; and

WHEREAS, It is but just that said money should be refunded to said districts in the proportion that it was realized from the sale of the fences of the respective districts; and

WHEREAS, The tax-payers of the respective districts have petitioned the commissioners of roads and revenues in and for said county of Fulton for the payment of said money to be appropriated to the erection of court-houses in said districts to be used for holding justices courts; and

WHEREAS, There is no law authorizing the refunding of said money and its appropriation as aforesaid:

Commis-
sioners of
Fulton
county to
refund
proceeds
of sales of
fences to
certain
districts.

SECTION I. Be it therefore enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the board of commissioners of roads and revenues, in and for the county of Fulton, be, and they are hereby authorized and required to have refunded to said 1362 and 1348 districts G. M. the respective amounts realized from the sale of fences on the line between said districts and the county of DeKalb.

Exempting Clarke Light Infantry from Jury Duty; Etc.

SEC. II. Be it further enacted, That the justice of the peace and the notary public and *ex officio* justice of the peace in each of said districts, with one citizen from the respective districts, to be elected or appointed by said board of county commissioners, be, and they are hereby constituted a board of commissioners in and for their respective districts, with full power and authority to receive from the county treasurer of said county of Fulton the sum of money realized from the sale of fences as aforesaid, or from the taxation to build said fences, and to appropriate the same to the purchase of a suitable lot, and the rection thereon of a court-house in which to hold the justices courts of the district.

To whom
paid and
how ap-
plied.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

EXEMPTING CLARKE LIGHT INFANTRY FROM JURY DUTY.

No. 445.

An Act to exempt fifty members of the Clarke Light Infantry from jury duty.

SECTION I. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, that fifty members of the Clarke Light Infantry, of Augusta, be, and the same are hereby exempted from jury duty.

Clarke
Light In-
fantry ex-
empted
from jury
duty.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 22, 1887.

EXAMINERS OF ENGINEERS, ETC., FOR FULTON COUNTY.

No. 477.

An Act to provide for the appointment of a board of examiners for engineers operating stationary engines or boilers under steam pressure for Fulton county by the county commissioners of said county, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, the board of county commissioners of Fulton county shall be empowered to appoint or elect a board of three practical stationary engines, to be known as a board of examiners of stationary engineers, for the purpose of examining and licensing, when qualified, all persons engaged in running stationary engines or boilers under steam pressure.

Examiners
of engi-
neers of
stationary
engines
and boil-
ers.

SEC. II. Be it further enacted, That said board shall be elected at their first election, one for one years, one for two year and one for three years, so that at the elections thereafter had the successors of those first elected shall each be elected for the period of three years.

Election
of.

SEC. III. Be it further enacted, That said board shall hold regular examinations at stated times and places, to be fixed by the board of

Meetings
of.

Transportation of Seed Cotton in or from Harris County.

itself, for the examination and licensing of any person wishing license as a stationary engineer, and no person shall be competent to stand said examination unless he has had at least one year's experience or apprenticeship at running an engine.

License to engineers, how issued.
Fees therefor.
 SEC. IV. Be it further enacted, That said board of examiners shall have authority to license such persons as are qualified, after such examination, for the period of one year, said license to be renewed at the expiration of said time upon such terms and conditions as said board shall fix, by and with the consent of the board of county commissioners of Fulton county, and for such examination and license they shall be allowed to charge, as compensation for their services, a fee to be fixed by the board of county commissioners, and they shall receive no other salary or fees for their services.

Penalty.
 SEC. V. Be it further enacted, That any person engaged in the business of running a stationary engine or boiler under steam pressure in Fulton county without license in conformity to this Act, shall on conviction be punished as prescribed in section 4310, Code of Georgia; *Provided*, that nothing in this Act shall apply to persons running gins and threshers by steam power in this county.

SEC. VI. Be it further enacted, That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

TRANSPORTATION OF SEED COTTON IN OR FROM HARRIS COUNTY.

No. 525.

An Act to make it unlawful to transport seed cotton in or from the county of Harris, or from one place to another in said county, between the hours of sunset and sunrise, except when carried from the field where picked to the place of storage on the premises of the owner, and to prescribe a penalty for the violation thereof.

Transportation of seed cotton in Harris county in night time prohibited.
 SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be unlawful for any person to transport seed cotton in or from the county of Harris, or from one place to another in said county, between the hours of sunset and sunrise; *Provided*, that nothing in this Act shall be so construed as to prevent the carrying of seed cotton from the field where picked to the place of storage on the premises of the owner.

Penalty for.
 SEC. II. Be it further enacted by the authority aforesaid, That any person violating the provisions of this Act shall upon conviction be held guilty of a misdemeanor and punished as prescribed in section 4310 of the Code of 1882.

SEC. III. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24th, 1887.

 Prohibiting Sale of Cotton in Seed in Monroe County.

PROHIBITING SALE OF COTTON IN SEED IN MONROE COUNTY.

No. 536.

An Act to prohibit the sale of cotton in the seed in the county of Monroe, or any militia district thereof, between the first of August and the first of February; to provide for submitting the same to the people by an election, to provide a penalty for the same, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be unlawful for any person to sell any cotton in the seed in the county of Monroe, or any militia district therein, between the first day of August and the first day of February, and any person violating the provisions of this Act shall on conviction be punished as prescribed in section 4310 of the Code of 1882; *Provided*, that the provisions of this Act shall not be operative in said county, or any militia district therein, until the same shall have been submitted to the qualified voters of said county, or any militia district therein; and the method of obtaining and holding an election and proclaiming the result shall be as prescribed in section 1455 of the Code of 1882, and in any such election, those favoring the sale shall write on their ballots, "For the sale," and those opposed shall write on their ballots, "Against the sale," and if a lawful majority in said election shall be against the sale, the Ordinary shall so declare, and the provisions of this Act shall go into immediate operation in said county or district.

SEC. II. Be it further enacted, All laws or parts of laws in conflict herewith are repealed.

Approved October 24, 1887.

Sale of
seed cot-
ton in
Monroe
county
from Au-
gust 1 to
September
1 prohib-
ited.
Penalty.
Proviso.

 Relief of P. F. Addison and D. J. Hayes; Etc.

Part IV.—Private Laws.

ACTS.

For relief of P. F. Addison and D. J. Hayes.
 Disposition of realty acquired under Act of December 12th, 1886, for the "Masonic Orphan's Home."
 Sale, etc., of property of Trinity Church of Columbus.
 Relief of James Jordan.
 Relief of D. W. Price.
 Sale, etc., of property of Congregation Benay Israel.
 Sale, etc., of property of Second Presbyterian Church of Columbus.
 Removing disabilities of William and C. H. Ammons, etc.
 Relief of D. H. Hubbard and his sureties.
 Relief of J. Y. Hill.
 Authorising M. A. Hardin to close private ways, etc., on his farm in Bartow county.
 Restriction as to indebtedness of First Presbyterian Church of Augusta.
 Relief of Thos. Davis, Sr.
 Relief of Estate of A. P. Dearing.

RELIEF OF P. F. ADDISON AND D. J. HAYES.

No. 235.

An Act to relieve P. F. Addison and D. J. Hayes in the cases of H. D. McDaniel, Governor of the State of Georgia, against Rachel Baty or *alias* Rachel Kimbell principal, and D. J. Hayes and P. F. Addison securities on said bonds, and judgment thereon, and to declare said executions and judgments in said cases now pending in Franklin Superior Court null and void as to D. J. Hayes and P. F. Addison, the securities thereon on said judgment.

Preamble. WHEREAS, P. F. Addison and D. J. Hayes are securities upon a recognizance given by Rachel Baty, *alias* Rachel Kimbell, in Franklin county, conditioned for the appearance of said Rachel Baty to answer in the superior court of said county for the offence of adultery and fornication; and

WHEREAS, Said recognizance has been forfeited, *scire facias* issued and judgment entered on said recognizance against said principal and securities; and

WHEREAS, Said principal has been delivered up to the proper authorities and has fully answered the said charge; and

WHEREAS, There are good and sufficient reasons why said securities should be relieved from said forfeiture and judgment.

SECTION I. Be it enacted by the General Assembly of Georgia, That P. F. Addison and D. J. Hayes, securities in the case of H. D. McDaniel, governor of Georgia, against Rachel Baty or *alias* Rachel Kimbell principal, and D. J. Hayes and P. F. Addison securities, now pending in the Superior Court of said county, be, and they are

Securities
on bond of
Rachel
Baty re-
lieved.

Disposition of Realty Acquired Under Act of Dec. 12, 1866, for the Masonic Orphan's Home; Etc.

hereby relieved as such securities on said bonds and judgments, and the judgments and executions declared null and void as to D. J. Hayes and P. F. Addison.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved September 29, 1887.

DISPOSITION OF REALTY ACQUIRED UNDER ACT OF DECEMBER
12TH, 1866, FOR THE MASONIC ORPHAN'S HOME.

No. 260.

An Act to amend an Act entitled an Act to repeal an Act entitled an Act to so far modify the laws against lotteries, as to enable William W. Boyd of the city of Atlanta, State of Georgia, and Mrs. William Wilson, widow of Col. W. T. Wilson, Seventh Georgia, Mrs. Mary Ann Williams, Mrs. Phoebe Parker, Mrs. Charles D. Pearson, Mrs. Rosa E. Deloney, Mrs. Sarah Doles, or so many of them as may accept the same, a majority of whom shall receive the powers herein granted, to adopt a scheme to raise money for the purpose of building a home for, and supporting indigent widows and orphans; the home to be called "The Masonic Orphans Home." Approved 12th December, 1866, and also to dispose of the property acquired under said Act, by striking out and repealing the third section of said Act.

SECTION I. Be it enacted by the General Assembly of Georgia, That the third section of the above recited Act, which said section reads as follows: That the trustees of said lottery shall be, and they are hereby authorized and empowered to manage the real estate held by them in trust for rent, until the General Assembly further provide for the execution of any trust devolved upon them by the Act establishing the aforesaid lottery, and the Acts amendatory of the same, and shall not be held accountable to, or by the State for the rents, issues, and profits of said real estate" be, and the same is hereby repealed.

Section 3
of Act of
December
12, 1866,
repealed.

SEC. II. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 1st, 1887.

SALE, ETC., OF PROPERTY OF TRINITY CHURCH OF COLUMBUS.

No. 263.

An Act to authorize the wardens and vestry of Trinity church, of Columbus, Georgia, to sell and by proper deeds to convey to the purchasers, title to certain lands held by them for church purposes in Columbus, Georgia, and for other purposes.

WHEREAS, In pursuance of the power vested in them by law, the Commissioners of Commons, of the City of Columbus, Georgia, did on the 5th day of June, 1882, and on the 22nd day of January, 1887, set apart and grant to the wardens and vestry of Trinity church, of

Preamble

Sale, Etc., of Property of Trinity Church of Columbus

Columbus, Georgia, to be by them held in trust so long as the same is held and used by them for church purposes, the following lands, to wit: all that parcel of the commons of the city of Columbus known and distinguished in the plan of said city commons as lot number three (3), in block number four (4), also all that tract and parcel of land of the commons of the city of Columbus, Muscogee county, Georgia, known and distinguished in the survey of said commons as lots numbers thirteen (13), fourteen (14), fifteen (15) and sixteen (16), in block number thirty four (34); and .

WHEREAS, The wardens and vestry, as well as the congregation of Trinity church, desire to locate their church at a more eligible place, but need the proceeds of the sale of said land to complete their church, but cannot sell and dispose of the same without further authority, therefore

Author-
ized to sell
land grant-
ed by
commis-
sioners of
commons.

Use of pro-
ceeds.

Convey-
ance of
the.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the wardens and vestry of Trinity church, of Columbus, Georgia, to whom said land has been conveyed to be used by them in trust for church purposes, be, and they are hereby authorized and empowered, at private sale and for such consideration as seems proper to them, to dispose of and sell any or all of the lands named in the preamble to this Act, to-wit: lot number three (3), in block number four (4), lots numbers thirteen (13), fourteen (14), fifteen (15), and sixteen (16), in block number thirty-four (34), as designated in the survey of the commons of the city of Columbus, Georgia, and to use the proceeds arising from the sale of said land only for the purchase of a site for their church, or for the building and erection of a church building or buildings, including a rectory, or for fitting and furnishing a church building or buildings, including a rectory, and said wardens and vestry are authorized and empowered to use said proceeds for either, any or all of said purposes, and any sum which may remain shall be used only for church purposes, under the direction of the authorities of Trinity church.

SEC. II. Be it further enacted by the authority aforesaid, That a deed of conveyance to the purchaser of any and all of said lands executed and delivered by the wardens and vestry of Trinity church, of Columbus Georgia, shall have the effect of divesting the title to said land, and vesting the same in the purchaser or purchasers, free from the trust and use limited in the conveyance to them by the said commissioners of commons, of the city of Columbus, Georgia.

SEC. III. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed.

Approved October 1, 1887.

Relief of James Jordan; Etc.

RELIEF OF JAMES JORDAN.

No. 269.

An Act to relieve James Jordan in the case of H. D. McDaniel, Governor of Georgia, against William V. Gary, principal; J. W. Gary and James Jordan, securities on said bond and judgment, and to declare said judgment and execution null and void and of no effect as to said James Jordan.

WHEREAS, James Jordan is one of the securities upon a recognizance given by William V. Gary, principal, and James Jordan and J. W. Gary, securities, conditioned, upon the appearance of Wm. V. Gary, to answer at the Superior Court of Franklin county for the offence of malicious mischief; and Preamble.

WHEREAS, said recognizance has been forfeited, *scire facias* issued and judgment against said principal and securities entered up; and

WHEREAS, said Wm. V. Gary, the principal aforesaid, has been apprehended and delivered to the proper authorities to answer said charge, and has fully answered thereto; and

WHEREAS, there are good and sufficient legal reasons why said James Jordan should be relieved from said forfeiture and judgment.

SECTION I. Be it enacted by the General Assembly of Georgia, That James Jordan of Franklin county, Georgia, security in the case of H. D. McDaniel, Governor of Georgia, against William V. Gary, principal, and Wm. C. Gary and James Jordan, securities, now pending in the Superior Court of said county, be, and he is hereby relieved as such security, and the judgments and executions declared null and void as to James Jordan. James Jordan, security for Wm. V. Gary, relieved.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 3, 1887.

RELIEF OF D. W. PRICE.

No. 283.

An Act for the relief and discharge of D. W. Price, ex-county treasurer of Douglas county and his securities on bond, to authorize the ordinary of said county to order an election in the county of Douglas by the legal voters thereof, at which election the question to be voted on shall be "for the settlement" or "against the settlement" of an execution against said Price and his securities in favor of Douglas county as recommended by the grand jury of the same at the January term of 1887; of Douglas Superior court to provide for the holding of said election and to give the ordinary authority to make such settlement; *Provided*, the same shall be for the relief of Price and his securities.

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, it shall be the duty of the Ordinary of the county Election under this Act.

Relief of D. W. Price.

of Douglas to order an election in said county within ninety days after the passage of this Act on the question of "settlement" of an execution in favor of Douglas county against D. W. Price, ex-county treasurer of said county and his securities, to-wit: J. B. Duncan, Young Vansant, T. H. Selman and N. B. Duncan as recommended by the grand jury of said county at the January term 1887, of Douglas Superior Court. Said election shall be held under the same rules and regulations as provided for by law for members of the General Assembly of this State so far as the same can be made applicable. The ballots shall have written or printed on them "For the settlement" or "Against the settlement," and if a lawful majority of the voters voting at said election shall vote for the settlement, then the ordinary is hereby authorized and it is made his duty to mark said election "*settled in full*" as recommended by the grand jury. He shall file said execution with the clerk of the Superior Court of said county, to be kept on file in the clerk's office, and in the event that the result of said election shall be in favor of the settlement then the said D. W. Price and his securities shall be discharged and relieved from any further liability under said execution.

SEC. II. Be it further enacted by the authority aforesaid, That if the result of said election shall be "against the settlement," then the Ordinary shall proceed to collect the balance due on said execution out of the said Price and his securities.

SEC. III. Be it further enacted, That the Ordinary of said county shall give notice of the time of said election, at least thirty days (30) before the day of election, which notice shall be published once a week for four weeks before the election, in the newspaper in Douglas county, where the sheriff's sales are advertised. Said notice shall state the time and place of holding said election, and shall state the forms of the ballots, as provided for in this Act, which notice shall be by said Ordinary or some one authorized by him, posted at three of the most public places in each of the militia districts in the county of Douglas, at least thirty days before the day of the election.

SEC. IV. Be it further enacted, That the returns of said election shall be made to said Ordinary, who after examining said returns and deciding all questions which shall arise out of said election shall declare the result of the same, and enter his decision, on his minutes. The returns must be made to the said Ordinary the next day after the election.

SEC. V. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 5th, 1887.

SALE, ETC., OF PROPERTY OF CONGREGATION BENAY ISRAEL.

No. 295.

An Act to authorize the trustees for the Congregation Benay Israel of Columbus, Georgia, to sell and by proper deeds to convey to the purchasers, title to certain lands held by them for church purposes in Columbus, Georgia, and for other purposes.

WHEREAS, In pursuance of the powers vested in them by law, Preamble. the commissioners of commons of the city of Columbus, Georgia, did on the 19th day of January 1887, set apart and grant to the "Congregation Benay Israel" lots of land numbers seven (7), ten (10), eleven (11), and all that portion of lot number fourteen (14), which lies north of the road now running to Wynnton from originally Crawford now Tenth street, being in block number thirty-two (32) in the survey of the commons of the city of Columbus, said land having been set apart and granted to said congregation for church purposes; and

WHEREAS, The said Congregation Benay Israel, desire to locate their synagogue or church at a more eligible place, but need the proceeds of the sale of said land to complete their church; therefore

SECTION I. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That J. H. Gabriel, Leo Lowenberg, Berthold Sternberg, Louis Buhler and Sol. Loeb, trustees for the Congregation Benay Israel, or their successors in such trust be, and they are hereby authorized and empowered at private sale and for such consideration as seems proper to them, to sell said lots, seven, ten, eleven, and part of fourteen, as hereinbefore described, and appropriate the proceeds of said sale in the purchase of land, the erection of a synagogue, or in fitting up the same for the use and benefit of the Congregation Benay Israel, of Columbus, Georgia, Authorized to sell property acquired from commissioners of commons.

SEC. II. Be it further enacted by the authority aforesaid, That a deed of conveyance to the purchasers of said land, executed by the aforementioned trustees, a majority of them or their successors, shall have the effect of divesting the title of the congregation in said land and vesting their title in the purchasers without more; and when so sold the said land may be used for general purposes. Use of proceeds.

SEC. III. Be it further enacted, That all laws in conflict with this Act be, and they are hereby repealed. Conveyance of title.

Approved October 8, 1887.

SALE, ETC., OF PROPERTY OF SECOND PRESBYTERIAN CHURCH OF COLUMBUS.

No. 298.

An Act to authorize and empower the trustees of the Second Presbyterian church, Columbus, Georgia, to sell and convey the title to certain lots of land held by them for church purposes; to direct the disposition of the proceeds, and for other purposes.

WHEREAS, The commissioners of commons of the city of Colum-

 Removing Disabilities of William and C. H. Ammons, etc.

Preamble. bus did, on March 23rd, 1887, by deed convey to the trustees of the Second Presbyterian church, Columbus, Georgia, and their successors in trust, lots numbers three (3) and six (6), in block number forty-tree (43) of the commons of the city of Columbus, Georgia, each lot containing one quarter of an acre of land, more or less, for church purposes, conditioned upon the commencement, in good fath, of the building of a church edifice thereon, within twelve months from said date; and,

WHEREAS, It is desired by said trustee to erect a church at a more convenient place in, or near said city; therefore,

**Author-
ized to sell
property
acquired
from com-
missioners
of com-
mons.
Use of pro-
ceeds.** SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the Second Presbyterian church of Columbus, Georgia, may, by its trustees, at public or private sale sell, and by deed convey a perfect fee-simple title to said tract of land, said conveyance to be approved by the president of the commissioners of commons, and the purchase money to be paid to him; the proceeds, after paying expenses of sale shall, by said president, be invested in such real estate as said trustees shall designate, the title to be taken in the name of said trustees and their successors in office.

**Re-invest-
ment, etc.** SEC. II. Be it further enacted, That should the proceeds be insuffi-
cient to purchase the lands designated then, said trustee shall make up the deficiency before the purchase. Should there remain a surplus after such purchase, the same shall be turned over to said trustees to be used for church purposes.

**Time for
carrying
out this
Act.** SEC. III. Be it further enacted, That said trustees shall have twelve months from the passage of this Act, to sell said first named tracts of land and re-invest in other land as herein provided.

SEC. IV. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 8th, 1887.

 REMOVING DISABILITIES OF WILLIAM AND C. H. AMMONS, ETC.

No. 387.

An Act to remove the civil disabilities of William Ammons and Cansamore Herndon Ammons, minor sons of William Ammons, deceased, of Camden county, Georgia, and to authorize them to receive, without the intervention of a guardian or trustee, all moneys and property of any description that may be due them from the estate of said deceased by the administrator thereof, and to manage and control the same in as complete and full a manner as if they had arrived at the full age of majority, and to authorize said administrator to turn over to them said moneys and property.

**Disabil-
ities as
minors re-
moved.** SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the civil disabilities of William Ammons and Cansamore Herndon Ammons, minor sons of William Ammons, deceased, of Camden county, Georgia, which render them incapable of receiving, having, holding and managing their property, said disabilities existing by reason of their being minors, be, and the same are hereby removed.

Relief of D. H. Hubbard and Sureties.

SEC. II. Be it further enacted by the authority aforesaid, That the foregoing sections shall be so construed as to authorize the said minors to receive, without the intervention of a guardian or trustee, all moneys and property of any description that may be due them from the estate of said deceased by the administrator thereof, and to manage and control the same in as complete and full a manner as if they had arrived at the full age of majority.

Authorized to receive, manage and control their share of estate of their father.

SEC. III. Be it further enacted by the authority aforesaid, That said section shall be further so construed as to protect the administrator of said deceased in the payment of said moneys and property to said minors, making said payments as legal and binding as if said minors had arrived at the full age of majority.

Administrator protected.

SEC. IV. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act, to all intents and purposes of this Act, be, and the same are hereby repealed.

Approved October 22, 1887.

RELIEF OF D. H. HUBBARD AND SURETIES.

No. 458.

An Act for the relief of D. H. Hubbard, tax collector of Polk county, and his securities from the payment of five hundred and sixty-two dollars and eighty-three cents (\$562.83) county taxes collected by said D. H. Hubbard for the county of Polk in the State of Georgia, said sum of money having been burglarized by blowing open an iron safe in Rock Mart in which said money had been temporarily deposited for safe keeping, and to provide for the settlement of said amount if the same should be recommended by two successive grand juries in Polk county, and for other purposes.

SECTION I. Be it enacted by the General Assembly of Georgia, That D. H. Hubbard, tax collector of Polk county, and his securities be, and the same are, hereby relieved from the payment of the above-recited amount of taxes due the county of Polk; *Provided, however*, that the said D. H. Hubbard and his securities shall not be relieved of the payment of said sum until the grand jury of Polk county shall so recommend at two successive terms of the Superior Courts to be held in said county.

Tax collector of Polk county and his securities relieved.

If recommended by grand jury.

SEC. II. Be it further enacted, That should said grand juries recommend as provided in section one of this Act, then the said D. H. Hubbard and his securities shall be relieved from the payment of said sum, and the same shall be entered settled, and a discharge granted to said Hubbard and his securities by the county authorities of Polk county, and in the event that said recommendations should fail to be made, then the said Hubbard and his securities shall remain under the same liability to said county of Polk the same as if this Act had not been passed.

Effect of recommendation.

Failure to recommend.

SEC. III. Be it further enacted by authority aforesaid, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved October 24th, 1887.

Relief of J. Y. Hill; Etc.

RELIEF OF J. Y. HILL.

No. 460.

An Act to relieve J. Y. Hill, surety on the penal bond of Berrian Davis.

PREAMBLE: WHEREAS, On the — day of October, 1886, a final judgment of forfeiture of the bond of Berrian Davis was entered against said Berrian Davis and his surety, to-wit, J. Y. Hill, said Berrian Davis being charged with the offense of hunting upon the lands of another, in the Superior Court of the county of Montgomery; and

WHEREAS, Said Berrian Davis was in attendance at said Superior Court at said October term for the purpose of standing his trial upon said charge as aforesaid, and had left the court-room for a few moments, and during his absence said case was called and judgment of final forfeiture had on said bond; and

WHEREAS, Said Berrian Davis, within a few moments after said forfeiture was had, was put upon trial for said offence and interposed his special plea to said bill of indictment, alleging that the grand jury that preferred said bill against him had members upon said body of kin to the prosecutor in said bill, and his plea was sustained and said bill quashed and declared null and void.

WHEREAS, The solicitor-general and officers of court are proceeding against the surety to collect the principal, interest and costs on said bond; and

WHEREAS, It will be inequitable and unjust to permit the collection of said judgment as against the surety.

SECTION I. Be it therefore enacted by the General Assembly of the State of Georgia and it is hereby enacted by the authority of the same, That said J. Y. Hill, security as aforesaid, be and he is hereby relieved from the payment of said judgment and discharged from all liability from the same.

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved October 24th, 1887.

**AUTHORIZING M. A. HARDIN TO CLOSE PRIVATE WAYS, ETC.,
ON HIS FARM IN BARTOW COUNTY.**

No. 472.

An Act to authorize and empower M. A. Hardin to close up all private ways and roads upon his farm in the 17th district and 3d section of Bartow county Georgia, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, M. A. Hardin shall be, and is hereby authorized and empowered to close up all private ways and

Restricting Indebtedness of First Presbyterian Church of Augusta; Etc.

roads and any private way or road now running through any part or portion of his, the said M. A. Hardin's, farm or woodland in the 17th district, third (3d) section of Bartow county in said State so as to prevent any and all parties from passing over any of said roads or ways with vehicles of any description or on horseback; *Provided*, the said Hardin shall erect and maintain good and substantial gates on the private road through said farm from Hardin's bridge on the Etowah river, via Saltpetre Cave to Gaines and Lewis' mills; and *Provided further*, that any one who shall injure or destroy said gates or fences shall be held and deemed guilty of a criminal trespass, and, on conviction thereof, punished as prescribed by law for the punishment of said offense of criminal trespass; and *Provided further*, That nothing in this Act shall be so construed as to authorize the said Hardin to close up or interfere in any way with any public road or roads running over any portion of said farm or woodland now established by law.

Must erect
and main-
tain gates.

Injury to
gates, etc.

May not
interfere
with pub-
lic roads.

SEC. II. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 24, 1887.

RESTRICTING INDEBTEDNESS OF FIRST PRESBYTERIAN CHURCH
OF AUGUSTA.

No. 474.

An Act to define and restrict the corporate privileges heretofore granted to "the First Presbyterian Church of Augusta" as to the creation of debt and limiting said power.

SECTION I. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same, that no loan shall be negotiated or debt contracted for any sum or sums of money exceeding one thousand (\$1,000.00) dollars in all and that no part of said sum so raised shall be used to pay the current expenses of said First Presbyterian Church, but shall be used only in repairing or improving the church property.

No debt to
be con-
tracted
above
\$1,000.

Use of
loan, etc.

SEC. II. Be it enacted, That all laws and parts of laws militating against this Act be, and the same are hereby repealed.

Approved October 24, 1887.

RELIEF OF THOMAS DAVIS, SR.

No. 478.

An Act to relieve Thomas Davis, Sr., surety on the penal bond of Geo. W. Davis.

WHEREAS, On the — day of October, 1886, a final judgment of forfeiture of the bond of George W. Davis was entered against said George W. Davis and his surety, to-wit: Thomas Davis, Sr., said George W. Davis being charged with the offense of

Preamble.

Relief of Estate of A. P. Dearing, etc.

hunting upon the lands of another, in the Superior Court of Montgomery county; and

WHEREAS, Said George W. Davis was in attendance upon said Superior Court at said October term, and was within calling distance of said court, and when said case against him for hunting upon the lands of another was called up, before he could answer to the same a final judgment of forfeiture was had upon said bond; and,

WHEREAS, The said George W. Davis, a few moments after said judgment was had upon said bond, was put upon his trial for said offence, as aforesaid and interposed a special plea to the indictment, charging him with the offence aforesaid, upon the grounds that the prosecutor in said bill of indictment, had a kinsman upon the grand jury that preferred said bill against him, and said plea was sustained and said bill of indictment quashed, declared null and void, &c.

WHEREAS, The Solicitor-General and the officers of court are proceeding against the security to collect the principal, interests and costs on said bond; and

WHEREAS, It will be inequitable and unjust to permit the collection of said judgement against the surety;

Surety on
bond of
Geo. W.
Davis re-
lieved

SECTION I. Be it therefore enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That said Thomas Davis, Sr., surety as aforesaid be, and he is hereby relieved from the payment of said judgment, and discharged from all liability from the same.

SEC. II Be it further enacted, That all laws and parts of laws in conflict with this Act, be and the same is hereby repealed.

Approved October 24th, 1887.

RELIEF OF ESTATE OF A. P. DEARING, ETC.

No. 481.

An Act for the relief of the estate of A. P. Dearing, late of Clarke county, Georgia, deceased, and to provide for the payment by the State, of the following bond, endorsed by the State of Georgia, and twenty-one coupons belonging thereto, to-wit: A first mortgage bond of the Macon & Brunswick Railroad for one thousand (\$1,000) dollars, bearing seven per cent. interest payable semi-annually, twenty-one of the coupons being unpaid, said bond is endorsed by the State of Georgia, evidenced by the signature of Charles J. Jenkins, Governor, and N. C. Barnett, Secretary of State, dated January 1st, 1867, and for other purposes.

State
Treasurer
required
to pay cer-
tain bonds
and cou-
pons.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, the State Treasurer shall be authorized and required to pay the following bond and, coupons, to-wit: First mortgage bond, number (277) two hundred and seventy-seven of the Macon and Brunswick Railroad Company for one thousand dollars (\$1,000) dated July 1st, 1867, and due (20) twenty years after date, and upon which appears the following endorsement: "Executive Department, Milledgeville, Georgia, January 1st, A. D., 1867. By virtue of authority of the Act of the Legislature of

Relief of Estate of A. P. Dearing, etc.

Georgia and of the resolutions of the same, both assented to December 4, A. D., 1866, and which have been accepted by the Macon and Brunswick Railroad Company, this bond is endorsed by the State of Georgia.

(Signed.) CHARLES J. JENKINS,
Governor of the State of Georgia.

Done by the Governor.

N. C. BARNETT,
Secretary of the State."

And twenty-one coupons belonging to said bond, to-wit: Coupons numbers 20 to 40 inclusive, each for thirty-five dollars (\$35.00), and Conditions due every six months, respectively, from July 1st, 1877, to July 1st, ^{o PAY-} 1887; *Provided*, that said bond and coupons shall be paid upon condition that the holder thereof shall accept thirty (\$30.00) dollars as full payment of each of said coupons, and surrender the same, upon the payment of the said amount of each coupon and the principal of said bond.

The Governor of the State shall draw his warrant on the State Treasurer for the amount of said bond and coupons in favor of Mrs. E. E. Dearing as executrix of the last will and testament and estate of Aloin P. Dearing, late of Clarke county, Georgia, deceased, the present owner of said bond and coupons, or her authorized agent or attorney at law or in fact. ^{To whom to be paid.}

SEC. II. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved October 24, 1887.

Part V.

RESOLUTIONS.

Commending National Colored Industrial Exposition.
 Relief of the Mutual Reserve Fund and Life Association.
 Relief of the Continental Insurance Company, of New York.
 Relief of the Norwich Union Fire Insurance Society, of England.
 To further improvement of Flint, Chattahoochee and Apalachicola rivers.
 Relief of the Hartford Steam Boiler Inspection and Insurance Company.
 Approving etc., settlement of State's claim against the Asheville and Spartanburg Railroad.
 Refunding to Mrs. S. H. Meador certain money from sale of wild land.
 Relief of the Staunton Life Association of Virginia
 Pay of Stenographer and Sergeant at Arms of certain investigating committee.
 Providing for committee to report as to equipment of New Capitol.
 Relief of E. A. Pollock,
 Relief of Tax Collector of Talbot county.
 Direction as to appropriation for the Atlanta University.
 Appropriation to the Jackson Light Artillery Company, of Albany.
 Relief of Henry J. Lamar.
 Relief of the Provident Safety Fund Association, of New York.
 Authorizing sale or lease of certain State property at Calhoun.
 Authorizing improvements of picture of Hon. B. H. Hill in House of Representatives.
 Payment of Mileage for Adjourned Session of 1887.
 Clerk hire of committee to investigate W. & A. R. R.
 Relief of R. M. Tyson
 Relief of James H. Tootle.
 Relief of John B. Paulk
 Relief of C. C. Thorp and J. W. Knight.
 Relief of the National Life and Maturity Association, of Washington, D. C.
 Relief of I. F. Farmer.
 Certain documents for the Georgia Methodist Historical Society.
 Directing State Treasurer to destroy certain bonds.
 Relieving M. C. Martin.
 Compensating Jno. M. Graham, Stenographer.
 Relieving Samuel J. Hunt.
 Discharging Bunk Gunn, Jack Adams and George Johnson from Lunatic Asylum.
 Directing examination of transfer of certain rights to Western Union Telegraph Company
 Paying committee on Lunatic Asylum.
 Paying committee on W. & A. R. R.
 As to Unfinished Business of the Session.
 Authorizing payment of interest on certain bonds.
 Relieving the Mutual Reserve Fund Life Association.
 Appraisers of property of W. & A. R. R.
 Per diem and mileage to be paid widows of M. W. Hart and D. N. Smith.
 Printing and distribution of Acts and Resolutions of Session of 1888
 Examination, etc., of claims of Marietta and North Georgia Railroad Company to contract rights under certain Resolution.

Commending National Colored Industrial Exposition; Etc.

COMMENDING NATIONAL COLORED INDUSTRIAL EXPOSITION.

No. 8.

WHEREAS, There will be a National Industrial Exposition held in the city of Atlanta, Ga., commencing November—, 1888, and continuing three months, to commemorate and illustrate the progress of the colored race by a display of works of art, live stock, field products, machinery, manufactures, and all other articles raised, fabricated, produced or owned by colored people throughout the United States; and

Preamble.

WHEREAS, This Exposition would materially contribute to the elevation and advancement of the colored race by stimulating their energies and arousing their self-reliance and thus redound to the benefit of the whole country: therefore be it

Resolved by the General Assembly of Georgia, That the said National Industrial Exposition is commendable in its object and must attract to its support and countenance the earnest cooperation of all enlightened men, and that we most cordially approve of it as a movement in favor of our colored citizens.

Expo-sition commend-ed and ap-proved.

Resolved, That a copy of this preamble and resolutions be sent to each of the Senators and Representatives in Congress from this State, with the request that the same be laid before the Federal Congress, and that such favorable action be urged in that body by our members as will tend to the success and furtherance of this interesting and important object.

Copies to be fur-nished to Sen-ators and Rep-resent-atives. Action asked of Congress.

Approved August 3, 1887.

RELIEF OF THE MUTUAL RESERVE FUND LIFE ASSOCIATION.

No. 9.

WHEREAS, The Mutual Reserve Fund Life Association, a corporation organized under the laws of the State of New York, was duly authorized to do a life insurance business in the State of Georgia after having complied with all the requirements of the laws of this State necessary to secure such license; and

Preamble.

WHEREAS, The law requires all insurance companies to make to the Governor, on the first day of January and July, or within sixty days thereafter, semi-annual statements of their condition; and

WHEREAS, Owing to some mistake, or to a misunderstanding of the law, the said company failed, on the first day of January last, or within sixty days thereafter, to file the required statement, and the Comptroller-General, in execution of the law, has revoked the license of said company to do business in this State; and

WHEREAS, The failure by said company to file said semi-annual statement was due to some oversight or mistake, or to some misinterpretation of the law, and not with a desire to avoid any requirement of the same; and

WHEREAS, By reason of said mistake the said company has already been prevented during the past five months from doing business in the State, and the restoration of its license would greatly promote

Relief of the Continental Insurance Company, of New York.

both the interest and the convenience of those policy-holders who are resident citizens of this State :

Relieved
from pen-
alty for
failure to
make re-
turns.

Therefore be it resolved by the General Assembly of the State of Georgia, that the Comptroller-General is hereby authorized to restore to the Mutual Reserve Fund Life Association the license to do business in this State when said company shall have filed the statements required and otherwise complied with the insurance laws of this State.

Approved August 8, 1887.

RELIEF OF THE CONTINENTAL INSURANCE COMPANY, OF
NEW YORK.

No. 10.

A resolution for relief of the Continental Insurance Company, of New York.

Preamble.

WHEREAS, An execution was issued by the Comptroller-General of Georgia against the Continental Insurance Company, of New York, for the sum of five hundred dollars (\$500.00) as a penalty on account of its failure to make returns for taxation and pay the taxes due said State on or before the first day of July, 1885; and whereas, it has been satisfactorily proven that during the early part of the month of June, 1885, the said company, through its proper officer in New York, made out said returns as fully as they could be there made from Georgia agents, who reported to head office in New York and in ample time sent the same by mail to its managing officer at Atlanta, with instructions to complete the same from the reports made direct to him by other agents in Georgia, who reported to him that said returns were so received by the managing officer at Atlanta prior to July 1st; that he had handed them to his book-keeper and managing officer in his absence, with instructions to complete the same, as above indicated, and file them with the Comptroller-General, and at the same time the said book-keeper was entrusted with a blank check, signed by the managing officer in Atlanta, which he was directed to complete and use in paying the taxes which would thus be ascertained to be due; that about that time the said managing officer left the city of Atlanta on business for his company, and did not return until after the first day of July; upon his return, greatly to his surprise, he found that said returns had not been made, and that the book-keeper had proven faithless, filling up the check which had been left him for a large amount and using the proceeds thereof for his own private purposes. The said managing officer at once completed said returns, filed the same with the Comptroller-General, and then paid the taxes due, amounting to \$517.26, and the payment was made on July 8, 1885; and

WHEREAS, It further appears that both before and since the said 1st day of July, 1885, said company has promptly and faithfully made the returns and paid its taxes as required by law: therefore be it

Resolved, That the said Continental Insurance Company, of New

Relief of Norwich Union Fire Insurance Society, of England; Etc.

York, be, and it is hereby relieved from the said penalty, and the said execution is hereby directed to be entered satisfied.

Approved August 10, 1887.

Relieved from penalty for failure to pay taxes, etc.

RELIEF OF NORWICH UNION FIRE INSURANCE SOCIETY, OF ENGLAND.

No. 11.

A resolution for the relief of the Norwich Union Fire Insurance Society, of England.

WHEREAS, An execution has been issued by the Comptroller-General of Georgia against the Norwich Union Fire Insurance Society, of England, for five hundred dollars as a penalty on account of its failure to make returns for taxation, and pay the same, prior to July 1st, 1885; and

Preamble.

WHEREAS, It is satisfactorily shown that the failure to make said returns was due to the sickness and absence from office of the chief clerk of said society, in New York, and the confusion of the chief book-keeper, a new man who had charge of this work in the absence of said chief clerk, which confusion arose from the fact that the latter was not familiar with the laws of Georgia on this subject, and his belief that the Tax Act of 1877, allowing until October 1st for the performance of this duty, was the only law on the subject; and

WHEREAS, Said society, on July 8th 1885, made said returns and paid the taxes due, and has both before and since made all returns and paid all taxes required by law, thus showing that this delay was not intentional, nor in bad faith: therefore be it

Resolved, That said Norwich Union Fire Insurance Society be, and it is hereby relieved from said penalty, and that said execution is hereby directed to be entered satisfied.

Relieved from penalty for failure to pay taxes, etc.

Approved August 18, 1887.

TO FURTHER IMPROVEMENT OF FLINT, CHATTAHOOCHEE AND APALACHICOLA RIVERS.

No. 12.

WHEREAS, the Government of the United States has expended large sums of money in the improvement of navigable rivers and harbors of the other States of the Union, and by such means has greatly facilitated the transportation service of the country, and, thereby added a stimulus to its productive power; and

Preamble.

WHEREAS, from the estimates of government officers, it is shown that certain of the rivers of Georgia, at comparative small cost, can be put in a condition for safe and quick navigation, thereby greatly increasing the commerce of the State, and

WHEREAS, a convention of delegates representing the States of Georgia, Alabama and Florida, known as the Chattahoochee Valley Improvement Convention, was held in the city of Columbus, Georgia, on the 10th and 11th days of May, 1887, at which convention it was shown that a proper improvement of the Chattahoochee and

 Relief of the Hartford Steam Boiler Inspection and Insurance Company

Flint rivers of Georgia, the Apalachicola river and bay, in the State of Florida, would furnish to the people of the three States of Georgia, Alabama and Florida a quick, safe and easy means of communication by water with home and foreign markets, thereby greatly enhancing the property of said States, and stimulating their productive power, and the accomplishment of such a result is greatly desired by the people of this State: therefore,

Comple-
tion of
work de-
sired.

Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the commercial interest of the people of this State would be greatly promoted by the early completion of the work, designed and recommended by United States engineers, for the permanent improvement of the Chattahoochee and Flint rivers in the State of Georgia, and the Apalachicola River and bay in the State of Florida.

Senators
and Rep-
re-sen-
ta-tives re-
quested to
urke ap-
propria-
tion for.

Resolved further, That our Senators and Representatives in Congress in view of the large results to be accomplished, be requested to urge upon the Congress of the United States the propriety of incorporating in the general river and harbor bill a sum sufficient to complete the work on these navigable waters at the earliest possible day.

Resolved further, That each of our Senators and Representatives be furnished with a copy of these resolutions.

Approved August 18, 1887.

 RELIEF OF THE HARTFORD STEAM BOILER INSPECTION AND
INSURANCE COMPANY.

No. 13.

Preamble. WHEREAS, the Hartford Steam Boiler Inspection and Insurance Company, a corporation organized under the laws of the State of Connecticut, having filed its annual statement of condition, of date December 31, 1886, in the office of Comptroller-General of the State of Georgia, and was licensed to do business of inspection of steam boilers and insure against loss or damage caused by explosion of steam boilers; and

WHEREAS, by misunderstanding on the part of said company of the laws of this State, requiring a semi-annual statement of same date as the annual statement, it failed to file the same, and the Comptroller-General, in execution of the law, has revoked the license of said company to do business in this State; and

WHEREAS, the failure to file semi-annual statement by said company was due to want of familiarity with the law, and not to any intent to avoid any requirement of the same: therefore

Relieved
from pen-
alty for
failure to
make re-
turns, etc.

Be it resolved by the General Assembly of the State of Georgia, That the Comptroller-General is hereby authorized to re-admit the Hartford Steam Boiler Inspection and Insurance Company to do business in this State when said company shall have filed the statements required and otherwise complied with the insurance laws of this State.

Approved August 27, 1887.

Approving, etc., Settlement of State's Claim Against the Asheville and Spartanburg R. R.; Etc.

APPROVING, ETC., SETTLEMENT OF STATE'S CLAIM AGAINST THE ASHEVILLE AND SPARTANBURG RAILROAD.

No. 14.

A resolution approving and confirming the action of the Governor in reference to the settlement of the State's interest in the bonds of the Asheville and Spartanburg Railroad.

SECTION I. *Resolved by the General Assembly*, That the settlement made by his Excellency Governor John B. Gordon in compromising the claim of the State represented by the bonds of the Asheville and Spartanburg Railroad be, and the same is hereby approved and confirmed; that the amount received in said settlement be, and is hereby made a part of the general fund in the State treasury.

SEC. II. All laws and parts of laws militating against this resolution be, and the same are hereby repealed.

Approved August 31, 1887.

REFUNDING TO MRS. S. H. MEADOR CERTAIN MONEY FROM SALE OF WILD LAND.

No. 15.

WHEREAS, in the year 1883 Mrs. S. H. Meador, of the county of DeKalb, in Georgia, was the owner of lot of land, No. 194, in the 7th district of originally Carroll, now Haralson county, and in fifth section thereof; and

WHEREAS, the same was returned to the tax receiver of said county with other lands owned by her for taxation; and

WHEREAS, the same by some error or mistake of the tax receiver said lot was omitted from his digest, unknown to said Mrs. S. H. Meador or her agent; and

WHEREAS, when she paid her taxes for that year on all her other lands in that county, she was under the impression that said lot was included in her return, and that she was also paying the tax on it; and

WHEREAS, the tax collector of said county afterward issued *fi. fa.* against her for the tax due on said lot, and had it levied upon said lot by the sheriff, who sold the same on the 4th day of March, 1883, for the sum of \$25.00; and

WHEREAS, the said Mrs. Meador was ignorant of the facts above recited and suffered said lot to go to sale; and

WHEREAS, as soon as she was informed of the said default and sale, she made several efforts to redeem the same by paying the taxes, costs and penalty due thereon before the two years allowed by law expired, but the sheriff refused to receive the same, but paid the surplus arising from said sale, after deducting the costs thereon, which surplus, less the tax due on said lot of land, as covered into the State treasury, was twenty-one and forty-five one hundredths dollars; and

Relief of the Staunton Life Association of Virginia; Etc.

WHEREAS, said Mrs. Meador has since redeemed said land and regularly paid the taxes thereon:

Therefore be it resolved by the House of Representatives, the Senate concurring, That the sum of twenty-one and forty-five one hundredths dollars, the amount covered into the treasury after payment of all costs and taxes due on and arising from the sale of the wild land lot aforesaid, be, and the same is hereby appropriated to Mrs. S. H. Meador, and the Treasurer is hereby directed to pay the same upon the proper certificate or voucher of the Comptroller-General.

Approved September 10th, 1887.

RELIEF OF THE STAUNTON LIFE ASSOCIATION OF VIRGINIA.

No. 16.

Preamble. WHEREAS, The Staunton Life Association of Virginia, a corporation organized under the laws of the State of Virginia, was duly authorized to do a life insurance business in the State of Georgia, it having complied with all the requirements of the laws of this State, necessary to secure such license; and

WHEREAS, By a misconception on the part of the officers of said association as to the laws of this State requiring a semi-annual statement of same date as the annual, to be filed with the Executor as well as with the Comptroller-General; and

WHEREAS, Although the officers of the said Staunton Life Association of Virginia made the requisite report to the Comptroller and tendered the amount of tax required by law, but omitted to file the semi-annual statement with the Executive within the time required, and the Comptroller General in the execution of the law, has revoked the license of said association to do business in the State; and

WHEREAS, The failure of the officers of the said association to file the necessary statement with the Executive was due to a misconception of the law, and not to any intent to avoid any requirements of the same: therefore

Be it resolved by the General Assembly of the State of Georgia, That the Comptroller-General is hereby authorized to re-admit the Staunton Life Association of Virginia to do business in the State when said company shall have filed the statements required and otherwise complied with the insurance laws of this State.

Approved September 13th, 1887.

PAY OF STENOGRAPHER AND SERGEANT-AT-ARMS OF CERTAIN INVESTIGATING COMMITTEE.

No. 17.

Pay of W. H. Haralson. *Resolved,* That the Governor be, and he is hereby authorized and instructed to draw his warrant on the Treasurer for the sum of seventy-five dollars in favor of William H. Haralson, sergeant-at-arms of the committee appointed to investigate the charges against Judge Fain and others when he shall execute his receipt in full for all services rendered said committee as sergeant-at-arms.

 Providing for Committee to Report as to Equipment of New Capitol.

Resolved further, That upon the filing of the testimony taken before said committee, in the Executive office, approved by the Chairman of said committee, the Governor is hereby authorized and instructed to draw his warrant on the Treasurer for the sum of three hundred dollars in favor of G. Y. Tignor, Stenographer, in payment ^{G. Y. Tignor.} of his services, when he executes his receipt in full for all services rendered and surrenders all papers appertaining to the case.

Approved September 20, 1887.

 PROVIDING FOR COMMITTEE TO REPORT AS TO EQUIPMENT
OF NEW CAPITOL.

No. 18.

WHEREAS, The new capitol building of the State will be completed, by contract, on the 1st day of January, 1889; and Preamble.

WHEREAS, It is expedient to have said building ready for occupancy as soon as practicable thereafter; and

WHEREAS, If the matter of providing for the furnishing and equipment of said building is deferred until the next General Assembly has had time to take action thereon, much unnecessary delay will be caused in its occupancy; Therefore be it

Resolved by the General Assembly, That in order to facilitate in the furnishing and equipment of said building, and to prevent unnecessary delay in its occupancy, a commission of six be appointed to carry out the purpose of this resolution, as hereafter set forth; said commission to consist of three officers of any of the departments of State, to be named by His Excellency, the Governor, two members of the House of Representatives to be named by the speaker thereof, and one member of the Senate to be named by the President thereof, of which commission the Governor shall be *ex officio* chairman, and the duty of which shall be to submit to the next General Assembly such a report as will assist in carrying out the purpose of this Resolution. Said commission is empowered to investigate the needs for and probable cost of such equipment and furnishing, and shall advertise in such manner as it deems best for bids for the same, the result of which shall be submitted to the next General Assembly, provided that no money be appropriated for the purposes herein set forth, except such as is necessary to pay for the advertising herein provided for, for which the sum of one hundred dollars or so much thereof as may be necessary is hereby appropriated. Committee appointed.
Duty of.
Powers of.
No money appropriated except.

Approved September 20, 1887.

RELIEF OF E. A. POLLOCK.

No. 19.

A resolution to relieve E. A. Pollock, tax collector of Pulaski county from the penalty of dollars for failure to make a settlement with the Comptroller-General of the State of Georgia, and fifty dollars special whiskey tax for the year 1885, and for other purposes.

Preamble. WHEREAS, on the 22nd day of June, 1887, Wm. A. Wright, Comptroller-General of said State, issued a tax execution against E. A. Pollock; tax collector of Pulaski county for the sum of 3,115.⁷/₈ dollars principal, and the further sum of dollars penalty on account of unpaid taxes claimed to be due the State of Georgia for the year 1886, fifty dollars of said amount being for special liquor tax due by B. B. Pounds for the year 1885, which said tax collector never collected. The amount of the aforesaid penalty being 20 per centum of the principal sum apparently due by said E. A. Pollock, tax collector as aforesaid; and

WHEREAS, At the time of issuing said execution, said E. A. Pollock was not due the State of Georgia any money whatever for unpaid taxes, except as to the said fifty dollars for special whisky tax, for which B. B. Pounds is liable, said tax collector never having collected the same from B. B. Pounds for the following reason: Said B. B. Pounds in the year 1885 opened a retail bar-room in the county of Pulaski, and registered as a whiskey dealer. In ten days after commencing business he was burned out, and his entire stock of liquor consumed by the fire, immediately after which, he, the said B. B. Pounds changed his place of business from said county to Montezuma, in the county of Macon, in said State, and in said county of Macon paid the special liquor tax of fifty dollars for the year 1885, covering the period when said liquor tax was charged against said E. A. Pollock, tax collector. Said B. B. Pounds during said year not having sold any liquor at retail at but one place during the same time; and

WHEREAS, The failure of the said E. A. Pollock to make settlement with the Comptroller-General was not the fault of his, but owing to the fact that the Ordinary of said county having control of county matters had been succeeded in those duties by a board of county commissioners, created by an Act of the legislature of 1886, which board of commissioners failed and neglected to approve the insolvent list of said tax collector in time for him to make a settlement with the Comptroller-General as required by law; and *whereas*, that subsequent to the issuing of said execution said tax collector by proper vouchers made it appear to the Comptroller-General, in a settlement had with him, that he was not indebted to the State of Georgia anything except as to the fifty dollars herein recited; and

WHEREAS, The State of Georgia has collected every dollar that is equitably due to her for the tax as herein recited; and

WHEREAS, Said execution is now proceeding to collect only the

PART V.—RESOLUTIONS.

901

Relief of Tax Collector of Talbot County; Etc.

amount of penalty for which the same was issued, and the fifty dollars herein recited as special whisky tax, no part of the principal which was apparently due on the Comptroller's books, being in fact due by said Tax Collector, after allowing him all proper credits: therefore be it

Resolved, That said E. A. Pollock, tax collector as aforesaid be, and he is hereby relieved and absolved from any further liability to the State of Georgia on account of penalty on said execution, and that said execution be cancelled and annulled.

Relieved from penalty for failure to make settlement as tax collector

Approved September 20th, 1887.

RELIEF OF TAX COLLECTOR OF TALBOT COUNTY.

No. 20.

WHEREAS, A. J. Harris, Tax Collector of Talbot county, by an error in calculation, has overpaid the county school commissioner of his county on the poll taxes of said county for the year 1886, the sum of ninety-three dollars and eighty-four cents, and the said sum has been paid out by said commissioner, and therefore it is impossible for said commissioner to refund to said Tax Collector the amount thus overpaid, until the poll taxes of the year 1887 are collected, and paid over to said commissioner; and

Preamble.

WHEREAS, The said Tax Collector, by reason of said mistake, or error is still due the State the sum of ninety-three dollars and eighty-four cents and should not be required to pay said sum: therefore

Be it resolved by the General Assembly, That the Comptroller-General be authorized to suspend the collection of said sum, until the collector has collected a sufficient amount of the poll taxes of the year 1887, to enable the county school commissioner to refund the amount erroneously overpaid for the year 1886.

Collection of certain sum from by Comptroller-General suspended.

Approved September 22, 1887.

DIRECTION AS TO APPROPRIATION FOR THE ATLANTA UNIVERSITY.

No. 21.

Resolved by the House of Representatives, the Senate concurring, That in the future the Governor be directed not to draw his warrant for the annual appropriation of the sum of \$8,000.00 to the Atlanta University, under the act of March 3d, 1874, until such a plan of expenditure as will secure the exclusive use of the same for the education of colored children only, in accordance with the declared and settled policy of this State, on the subject of co-education of the races, has been submitted, and approved by the commission constituted in said Act for the supervision of the expenditure of said appropriation.

Governor not to draw warrant until certain plan of expenditure is approved.

Resolved further, That said commissioner be instructed to "see that said fund is faithfully applied according to said plan of expenditure," and in no other way.

Application of fund.

Approved September 23d, 1887.

Appropriation to the Jackson Light Artillery Company, of Albany; Etc.

APPROPRIATION TO THE JACKSON LIGHT ARTILLERY COMPANY, OF ALBANY.

No. 22.

Preamble. WHEREAS, The Jackson Light Artillery Company of Albany has expended the sum of one hundred and fifteen dollars to fit up and repair four twelve-pounder brass Napoleon guns in renovating, replacing and repainting the wheels and caissons belonging to these cannons, broken down and decayed by exposure when turned over to them, which repairs put these valuable cannons, thus made useless, in excellent condition; and

WHEREAS, Said guns and caissons are the property of the State of Georgia, and said money was expended for its preservation,

Amount appropriated. *Resolved by the General Assembly,* That the Governor of the State is hereby authorized to draw his warrant upon the treasury of the State of Georgia, in favor of the Jackson Light Artillery Company for said sum of one hundred and fifteen dollars, in repayment of the sum expended by said company in repairing, refitting and preserving four brass twelve-pounder Napoleon guns and caissons belonging thereto, the property of the State of Georgia.

Reason for.

Approved September 29th, 1887.

RELIEF OF HENRY J. LAMAR.

No. 23.

A resolution for the relief of Henry J. Lamar, of the county of Bibb.

Preamble. WHEREAS, It appears that Henry J. Lamar of the county of Bibb is the owner of two certain coupons from bond No. 486, issued under the Act of 21, February, 1886, which appear to have been incorrectly dated as being due, one for \$15.00 on 1st day of February, 1866, and one for \$15.00 on 1st day of August, 1866, when, in fact, they should have been respectively dated and payable on 1st Day of February, 1876, and 1st day of August 1876; and,

WHEREAS, The Treasurer of said State has refused to pay said coupons on account of their incorrect date, although no coupons of bond No. 486, issued under the Act of 21 February, 1856, for the months of February and August 1876 have ever been presented for payment: therefore be it

Payment to of certain coupons directed. *Resolved by the House, the Senate concurring,* That the Treasurer of the State be, and he is hereby instructed to pay the amount of said coupons to said Henry J. Lamar upon his giving bond with security in the sum of thirty (\$30) dollars conditioned to repay to the State of Georgia the amount of said coupons in case other coupons for those dates should ever be presented for payment.

Approved October 3rd, 1887.

Relief of the Home Provident Safety Fund Association, of New York; Etc.

RELIEF OF THE HOME PROVIDENT SAFETY FUND ASSOCIATION, OF NEW YORK.

No. 24.

A resolution for the relief of the Home Provident Safety Fund Association, of New York.

WHEREAS, The Home Provident Safety Fund Association, of New York, took out a license in March, 1887 for the purpose of doing business in this State, paying to the Comptroller-General the fee therefor; and Preamble.

WHEREAS, Said association made return to the Comptroller-General of the amount of business done in this State up to the 30th day of April, 1887, and under a misapprehension of the requirements of the law filed the same on the 21st day of August, 1887, instead of on, or before July 1st, 1887; and

WHEREAS, There has been no intention on the part of the association to ignore the laws of this State, and the return was made and the tax paid in good faith: therefore be it

Resolved, That the said Home Provident Safety Fund Association, of New York, be relieved from the disabilities imposed by the law, and that the Comptroller-General be authorized and empowered to receive, and file their reports and re-instate said company. Relieved from penalty for failure to make return.

Approved October 3rd, 1887.

SALE OR LEASE OF CERTAIN STATE PROPERTY AT CALHOUN.

No. 25.

WHEREAS, N. J. Boaz, W. L. Hines, B. M. Harlan, Z. T. Gray, W. L. Hillhouse and others of the county of Gordon, State of Georgia, have associated themselves under the firm name and style of the Planters Warehouse Company, and desire to erect a warehouse on the line of the Western and Atlantic railroad, in the town of Calhoun, State and county aforesaid; and Preamble.

WHEREAS, The most eligible site to erect said warehouse in said town, is a part of the depot grounds, owned by the State, lying immediately north of the depot on the right-of-way of said road; and

WHEREAS, Said ground is now vacant and unoccupied, and no probability of its ever being needed or occupied by the road or State; and

WHEREAS, Said warehouse will contribute largely to the business and commission of said road, will benefit and improve said town and county, and will, in no manner whatever, encroach, encumber or interfere with said road, its tracks or the depot: therefore be it

Resolved by the House of Representatives, the Senate concurring, That the Governor be, and he is hereby authorized to lease to said Planters Warehouse Company just so much of said ground as is necessary to build said warehouse upon, the amount of ground not to exceed sixty by one hundred feet. Governor authorized to lease.

Authorizing Improvements of Picture of Hon. B. H. Hill in House of Representatives.

Assent of
lessees of
Western
and Atlan-
tic Rail-
road Com-
pany
Provido.

Resolved further, That the sale or lease of said property shall not convey to the purchasers or lessees any rights whatever during the existence of the present lease, without the assent of the present lessees;

Provided, That said parties of the first part be required to build a brickhouse as nearly fire proof as practicable, and to obtain the consent of John P. King or his assigns.

Approved October 5th, 1887.

**AUTHORIZING IMPROVEMENTS OF PICTURE OF HON. B. H. HILL
IN HOUSE OF REPRESENTATIVES.**

No. 26.

Preamble.

WHEREAS, Mr. Horace Bradley, the artist who made the Hill portrait now on the walls of the gallery of the House of Representatives, desires to have the privilege of making certain improvements on said portrait before it is removed to the new capitol building; and

WHEREAS, Such improvements in said portrait shall cost the State nothing: therefore

Improve-
ments au-
thorized.
At no ex-
pense.

Be it resolved, That Mr. Bradley is hereby authorized, the Senate concurring, to make such improvements on said portrait as he desires; *Provided*, that no expense shall be attached to said work.

Approved October 5, 1887.

PAYMENT OF MILEAGE FOR ADJOURNED SESSION OF 1887.

No. 27.

Preamble.

WHEREAS, The present session of the legislature, adjourned from the regular November session of 1886, was required by the exigencies of the public business: therefore

Mileage to
be paid.

Be it resolved by the House of Representatives, the Senate concurring, That mileage be paid the members of the General Assembly, the principal Door Keepers and the Messengers of the House and Senate coming to and returning from the capital to attend said adjourned session of the General Assembly, as is done at a regular session.

Approved October 8, 1887.

**CLERK HIRE OF COMMITTEE APPOINTED TO INVESTIGATE
W. & A. R. R.**

No. 28.

A resolution appropriating the sum of one hundred and twenty-five dollars for the hire of clerks employed by the joint committee appointed to investigate the affairs of the Western and Atlantic Railroad.

Amount
appropri-
ated.

Be it resolved by the House of Representatives, the Senate concurring, That the sum of one hundred and twenty-five dollars be, and the same is hereby appropriated, for the payment of the clerks employed by the joint committee to investigate the affairs of the Western and Atlantic Railroad, and that a warrant be drawn in favor of D. M. Roberts, the chairman of said committee, in payment of the same.

Approved October 8, 1887.

Relief of R. M. Tyson; Etc.

RELIEF OF R. M. TYSON.

No. 29.

A resolution for the relief of R. M. Tyson, former tax collector of Glynn county.

WHEREAS, R. M. Tyson, former Tax Collector of Glynn county, for the year 1880, had a tax execution issued against him by the Comptroller-General for nineteen hundred and eighteen dollars and ninety cents, together with a penalty of twenty per cent. on said amount, and whereas, said Tyson was entitled to the following credits on said execution: insolvent tax, two hundred and forty two dollars, collector's commission one hundred and ninety-two dollars and seven cents, poll tax paid county school commission seven hundred and fourteen dollars and seventy-six cents, leaving the real balance due the State, seven hundred and seventy dollars and seven cents due the State, which balance has been paid to the State in full; and whereas, the penalty on the last named sum amounts to the sum of one hundred and twenty-three dollars and sixty-three cents, which amount has not been paid.

Therefore be it resolved by the House of Representatives, the Senate concurring, That on the payment of the sum of one hundred and twenty-three dollars and sixty-three cents by the said Tyson, the penalty on the real amount for which he was in default, be and he and his securities on his bond are hereby relieved from any further penalty arising by reason of said default.

Approved October 13th, 1887.

RELIEF OF JAMES H. TOOTLE.

No. 30.

A resolution for the relief of James H. Tootle, of the county of Montgomery, by providing payment for an artificial leg according to the provisions of the Act of 1866.

WHEREAS, James H. Tootle of the county of Montgomery, lost a leg, below the knee, while engaged in the service of the Confederate States in the late war between the States of the United States; and

WHEREAS, he is entitled to receive an artificial leg or in lieu thereof the sum of seventy-five (\$75.00) dollars, according to the provisions of the Act of 1866; and

WHEREAS, said James H. Tootle has never received an artificial leg or any sum in lieu thereof: therefore

Be it resolved by the House of Representatives, the Senate concurring, That the sum of seventy-five (\$75.00) dollars be, and the same is hereby appropriated for the relief of the said James H. Tootle, and the Governor is hereby authorized to draw his warrant upon the treasury in favor of James H. Tootle for the sum of seventy-five (\$75.00) dollars, such sum to be paid out of any fund not otherwise appropriated, *Provided*, that said James H. Tootle shall make satisfactory proof, as required by law, that he is entitled to said payment

Relief of John B. Paulk —Relief of C. C. Thorp and J. W. Kight.

under the Act, of 1866 and that he has never received the benefit under said Act.

Be it further resolved, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved October 13th, 1887.

RELIEF OF JNO. B. PAULK.

No. 31.

A resolution for the relief of John B. Paulk, of the county of Irwin.

Preamble. WHEREAS, Under and by virtue of a *fi. fa.* issued by the Comptroller-General of this State, lots of land Nos. 2 and 3 of the fifth district of Irwin county were levied upon and sold for taxes and brought the sum of forty-three (\$43.00) dollars while said taxes amounted to the sum of four (\$4.14) dollars and fourteen cents, and cost to the amount of six dollars and five (\$6.05) cents, leaving a balance in the hands of the State amounting to thirty-two (\$32.81) dollars and eighty-one cents; and

WHEREAS, Said sale together with others has been set aside and declared void by a decision of the Supreme Court of this State; and

WHEREAS, The State has received its taxes and cost in full: therefore

Be it resolved by the General Assembly of Georgia, That the sum of thirty-two dollars and eighty-one (\$32.81) cents be, and the same is hereby appropriated to refund said amount to said John B. Paulk, and the Governor is hereby authorized to draw his warrant on the Treasurer in favor of said John B. Paulk, for said amount whenever he is satisfied that the facts herein set forth are true.

Money
from sale
of certain
wild land
to be re-
funded.

Approved October 13, 1887.

RELIEF OF C. C. THORP AND J. W. KIGHT.

No. 32.

Be it resolved by the General Assembly of Georgia, That

Preamble. WHEREAS, C. C. Thorp and J. W. Kight went security for R. M. C. Mixon, indicted in Johnson Superior Court in the sum of four hundred and fifty dollars, and the said R. M. C. Mixon failed to appear at said court, according to the terms of said bond, and the said bond was duly forfeited, and since that time the said R. M. C. Mixon has been captured by and (at?) the instance of said Thorp and Kight, and is now in jail awaiting his trial at great expense to them: therefore be it

Resolved by authority aforesaid, That said C. C. Thorp and J. W. Kight be, and are hereby relieved of any and all further liability on said bond and judgment of forfeiture had thereon, except the court costs and Solicitor-General's cost and commissions on said forfeiture, and the Clerk of the Superior Court of Johnson county is hereby

Relieved
from lia-
bility as
sureties
for R. M.
C. Mixon.

Relief of the National Life and Maturity Association, of Washington, D. C.; Etc.

authorized to mark said case settled and canceled upon the execution docket of said court, except the costs and charges aforesaid.

Approved October 13, 1887.

**RELIEF OF THE NATIONAL LIFE AND MATURITY ASSOCIATION,
OF WASHINGTON, D. C.**

No. 33.

WHEREAS, The National Life and Maturity Association of Washington, D. C., a company duly incorporated for the purpose of doing a life insurance business in the State of Georgia, did, by reason of a misapprehension as to the application of the law requiring the filing of a semi-annual statement with the Governor of this State, in addition to the annual statement required to be filed with the Comptroller-General, which latter statement it did prepare and tender to the said Comptroller-General, it has suffered the penalty of forfeiture of its rights to do business in said State; it further represents that it was, at all times, able and willing to comply with all the requirements of the law of said State, and that it is ready and willing to meet all requirements of said law, and to submit to all obligations imposed thereby: therefore Preamble.

Be it resolved by the House, the Senate concurring, That the said National Life and Maturity Association of Washington, D. C., be, and they are hereby relieved of said penalty of forfeiture, and that the right to do business in said State be restored to said company. Relieved from penalty for failure to make returns.

Approved October 15, 1887.

RELIEF OF I. F. FARMER.

No. 34.

WHEREAS, The Comptroller-General, on the 22d day of June, 1887, issued a *fi. fa.* against I. F. Farmer, Tax Collector of Jefferson county, for the sum of twenty-six hundred and sixty-five $\frac{1}{2}$ dollars, together with a penalty of twenty per centum from January 20th, 1887, to July 22d, 1887; and Preamble.

WHEREAS, the Tax Collectors of this State are required by law to make their final settlements with the Comptroller-General by the 20th day of January in each year; and

WHEREAS, said I. F. Farmer, Tax Collector of Jefferson county, was prevented from making a final statement of his accounts to the Comptroller-General within said time required by law, by having his books, receipts and defaulters' list destroyed by fire; and

WHEREAS, said I. F. Farmer, Tax Collector, as aforesaid, had sent to the Comptroller-General, prior to the 20th day of January, 1887, all the moneys due him by the State as such Tax Collector, and did not owe the State anything on said day, or at the time of issuing said execution; and

WHEREAS, The Comptroller-General has no power to relieve said Farmer from the payment of said twenty per cent. penalty: therefore be it

Documents for the Georgia Methodist Historical Society; Etc.

Resolved by the General Assembly of the State of Georgia, That said I. F. Farmer, Tax Collector of Jefferson county, be, and he is hereby relieved from the payment of said twenty per cent. penalty assessed against him by the Comptroller-General, and said execution is hereby declared to be null and void and fully satisfied.

Approved October 15, 1887.

Relieved
from pen-
alty for de-
fault as
tax collec-
tor

DOCUMENTS FOR THE GEORGIA METHODIST HISTORICAL SOCIETY.

No. 35.

Be it resolved by the Senate and House of Representatives of Georgia in General Assembly met, That the Governor be directed to transmit to the librarian of the "Georgia Methodist Historical Society," full sets of the Journals of both branches of the Legislature and of the Acts of the same, in so far as this may be done without breaking the sets preserved in the State Library for the use of the State; also copies of all public documents printed by the State for distribution or for circulation.

House and
Senate
Journals
and Laws
of Georgia
to be trans-
mitted to
the Geor-
gia Meth-
odist His-
torical So-
ciety

Be it further resolved, That the State Librarian be directed to transmit copies of like documents to the librarian of the society as they may from time to time be issued in the future.

Be it further resolved, That the accredited agent of the society shall have full access at all reasonable times, without charge, to the public records of this State of all kinds, either to examine or to copy.

Approved October 22nd, 1887.

Society's
agent al-
lowed ac-
cess to
public re-
cords.

DIRECTING STATE TREASURER TO DESTROY CERTAIN BONDS

No. 36.

WHEREAS, Certain bonds in the vaults of the treasury, printed but not issued, have been recommended by the Joint Finance Committee to be destroyed: therefore

Be it resolved by the Senate the House of Representatives concurring, That said bonds, viz.: 148 bonds of \$1,000 each, issued under the Act of 1872, and due in 1892, and 268 bonds of \$1000 each, issued under the Act of 1868, and due in 1888, be destroyed by the Treasurer, and a record of same be furnished the Governor for the purpose of having same incorporated in the Executive minutes in the Executive office.

State
bonds to
be de-
stroyed.

Approved October 22nd, 1887.

Relieving M. C. Martin; Etc.

RELIEVING M. C. MARTIN.

No. 37.

A resolution releasing M. C. Martin, surety on the penal bonds of Henrietta Thomas and Warren Dennis, and for other purposes.

WHEREAS, The amount alleged to have been lost by prosecutor Preamble. in said case has been fully paid off and discharged, and said prosecutor fully satisfied concerning the same, and has declined to press said prosecution; and

WHEREAS, Said M. C. Martin did also sign, as security, bonds for the amount of one hundred dollars for the appearance at the City Court of Atlanta of Henrietta Thomas and Warren Dennis, charged with larceny, both of whom were afterwards surrendered to the jailor of the county of Fulton by said security, and tried to conviction, and are now serving a sentence for said offence: therefore

SECTION I. *Be it resolved by the General Assembly of Georgia, That* M. C. Martin, security, be, and he is hereby discharged and relieved from all liability concerning said bonds herein described, and from the payment of any sum now due, or which may hereafter become due, on the same by payment rendered thereon or otherwise. M. C. Martin relieved as surety on certain penal bonds.

Approved October 22nd, 1887.

COMPENSATING JOHN M. GRAHAM, STENOGRAPHER.

No. 38.

WHEREAS, Under a resolution of the House of Representatives, Preamble. the special committee to investigate the Lunatic Asylum were empowered and authorized to employ a stenographer to report the testimony taken by said special committee; and

WHEREAS, Said committee in pursuance of said resolution and the authority conferred thereby did employ John M. Graham, Esq., a stenographer; and

WHEREAS, John M. Graham has taken down said testimony: therefore be it

Resolved by the House of Representatives, the Senate concurring, That the sum of one hundred and fifty dollars, the amount authorized to be expended by said resolution, be and is herewith appropriated to pay said John M. Graham for his services, and the Governor is authorized to draw his warrant on the Treasury for said amount in favor of said John M. Graham, Esq., when the chairman of the special committee shall certify that the work has been performed and delivered. One hundred and fifty dollars appropriated to pay stenographer of committee to investigate lunatic asylum.

Approved October 22, 1887.

Relieving Samuel J. Hunt; Etc.

RELIEVING SAMUEL J. HUNT:

No. 39.

A resolution for the relief of Samuel J. Hunt, Tax Collector of Harris county.

Preamble. WHEREAS, The Comptroller-General has issued three *fi. fas.* or executions against Samuel J. Hunt, Tax Collector of Harris county, aggregating the principal sum of four hundred and sixty-nine dollars and sixty cents (\$469.60) and for twenty (20) per cent. per annum thereon as penalties; and

WHEREAS, A part of said principal was stolen from said Tax Collector which caused the delay resulting in the issuing of said execution; and

WHEREAS, There was no intention on his part to defraud or delay the State in the collection of the taxes; and

WHEREAS, Said principal sum has been paid by said tax collector: therefore be it

Resolved by the General Assembly of the State of Georgia, That upon payment of thirty-six dollars and ninety-six cents (\$36.96) attorneys fees expended by the State and of all further or other costs, that said executions be marked paid, and that said tax collector and his sureties be discharged from all liability thereon.

Approved October 22, 1887.

Sam'l J. Hunt and sureties on his bond as tax collector for Harris county relieved

DISCHARGING BUNK GUNN, JACK ADAMS AND GEORGE JOHNSTON FROM LUNATIC ASYLUM.

No. 40.

A resolution to discharge from the Lunatic Asylum of this State Bunk Gunn, of Houston county, and Jack Adams and George Johnston.

Preamble. WHEREAS, At the term, 1886, of the Superior Court of Houston, Bunk Gunn, a minor, was indicted and tried for the offence of assault with intent to murder, and on the trial a plea of insanity was filed and found to be true, and the defendant was, pursuant to law, placed in the Lunatic Asylum of this State and there now remains; and

WHEREAS, The said Bunk Gunn has recovered his mind and is no longer a fit subject for said asylum: therefore be it

Resolved by the General Assembly of the State of Georgia, That said Bunk Gunn, Jack Adams and George Johnston be, and they are hereby discharged from said asylum.

Approved October 22, 1887.

Directing Examination of Transfer of Certain Rights to Western Union Tel. Co.; Etc.

**DIRECTING EXAMINATION OF TRANSFER OF CERTAIN
RIGHTS TO WESTERN UNION TELEGRAPH COMPANY.**

No. 41.

WHEREAS, Foster Blodgett, Superintendent of Western Atlantic Railroad, entered into a contract on the 18th of August, 1870, with the Western Union Telegraph Company, by the terms of which, he turned over the property of the road known as the telegraph line from Atlanta to Chattanooga, to said Western Union Telegraph Company, which contract is onerous, unjust, and of no binding force upon this State: therefore be it

Resolved by the House of Representatives, the Senate concurring, That the Governor of this State be, and he is hereby requested, to instruct the Attorney-General to examine into the facts and circumstances of said contract, and if it shall appear that there are good grounds to authorize the recinding of said contract, that said Attorney-General be instructed to institute proceedings to that end.

Approved October 22, 1887.

PAYING COMMITTEE ON LUNATIC ASYLUM.

No. 42.

Resolved by the House, the Senate concurring, That each member of the joint special committee of the House and Senate, and also of the special committee of the House, appointed to visit the lunatic asylum, be allowed their actual expenses incurred in making investigation of the asylum, upon filing an itemized statement of the same with the Treasurer of the State.

Approved October 22nd, 1887.

PAYING COMMITTEE ON WESTERN AND ATLANTIC RAILROAD.

No. 43.

A resolution to pay the expenses of the Western and Atlantic Railroad Investigation Committee.

Be it resolved by the House of Representatives, the Senate concurring, That each member of the special committee of the Senate and House, appointed to investigate the property of the Western and Atlantic Railroad, who went to Chattanooga, shall be allowed their actual expenses incurred in making said investigation, upon filing an itemized statement of the same with the Treasurer of the State.

Approved October 22nd, 1887.

AS TO UNFINISHED BUSINESS OF THE SESSION.

No. 44.

Resolved by the Senate, the House concurring, That the President of the Senate and Speaker of the House be, and they are hereby au-

 Authorising the Payment of Interest on Certain Bonds; Etc

thorized to remain over at the capital after adjournment four days, to affix their signatures to all acts and resolutions passed before adjournment, and that they be allowed their per diem for said time.

Legislative
officers au-
thorized to
finish busi-
ness of
session.

Resolved 2d, That the Secretary of the Senate and Clerk of the House be, and they are hereby authorized to remain over at the capital after adjournment for five days, to bring up the unfinished business of the present session, and that each of the above named officers be authorized to draw their per diem allowed by law.

Resolved 3d, That the Chairman and four members of the Enrolling Committee of the House, and the Chairman and three members of the Enrolling Committee of the Senate, and the Chairman and two members of the Auditing Committee of each House, be authorized to remain for five days after adjournment, to bring up the unfinished business of the present session, and that each of the above members of the General Assembly be authorized to draw the per diem allowed by law.

Approved October 22nd, 1887.

 AUTHORIZING THE PAYMENT OF INTEREST ON CERTAIN BONDS.

No. 45.

Payment
of interest
on certain
bonds au-
thorized.

Resolved by the House, the Senate concurring, That the governor of the State, upon exhibition to him of sufficient and satisfactory evidence that the applicant has surrendered heretofore bonds of this State to the Treasurer thereof, which bonds maturing in August 1886, and being coupon bonds, but without coupons representing the interest due upon said bonds for the last six months next preceding said August, 1886, and upon satisfactory evidence being furnished by said applicant that he has not received said interest, is authorized and empowered to issue his executive warrant upon the Treasurer for the amount of interest so due up to August, 1886.

Resolved further, That the Treasurer is hereby authorized to pay interest at the rate in the bonds stipulated, for the six months mentioned, upon the surrender of the remaining bonds of the class above mentioned, which have not now been surrendered, when said bonds are presented for payment by the holders thereof.

Approved October 24, 1887.

 RELIEVING THE MUTUAL RESERVE FUND LIFE ASSOCIATION.

No. 46.

Preamble.

WHEREAS, The Mutual Reserve Fund Life Association of New York, in the payment of taxes June 30th, 1886, paid to the Comptroller one hundred and twelve dollars and ninety-four cents, (\$112.94) in excess of the amount due the State; and

WHEREAS, This over-payment was caused by a misinterpretation of the law, which requires the payment of tax upon new business only, the said company having paid tax upon its entire business, both old and new; and

Appraisers of Property of Western and Atlantic Railroad.

WHEREAS, The said \$112.94 is not legally the property of the State, but should be returned to the said company: therefore

Be it resolved, That the governor is hereby authorized to draw his Refunding over-payment warrant on the Treasurer for the said sum, to be paid to the said company, or its authorized attorney.

Approved October 24, 1887.

APPRAISERS OF PROPERTY OF WESTERN AND ATLANTIC RAILROAD.

No. 47.

Resolved by the House of Representatives, the Senate concurring:

SECTION I. That it is the imperative duty of this General Assembly to protect the State's property and rights in the Western and Atlantic Railroad.

SEC. II. That the present lessees of the Western and Atlantic railroad have no claim either in law or equity, against the State for "betterments," and that no such claim will be entertained or allowed by the State of Georgia.

SEC. III. *Resolved,* That the Governor be authorized and directed to appoint three citizens of this State, who shall constitute a commission for the purpose of taking and making out a full and complete inventory or schedule of all the property, both real and personal, now belonging to the Western and Atlantic railroad. This inventory shall show the exact condition of all the property of every kind and character belonging to and along the line of said railroad. This inventory or schedule must also show the present market value of all the property, both in detail and in bulk. The estimate placed on the personal property and the real estate necessary to the successful operation of the road must be made in one report, and the estimate placed on the surplus real estate belonging to or in any way connected with said road, must be made in another. A copy of this inventory or schedule shall be filed in the office of the Comptroller-General on or before July 1st, 1888.

SEC. IV. That said commission shall carefully inspect and examine all the land and real estate belonging to the State, along the line of said road, and in Atlanta and Chattanooga, and appraise the value of the same, and describe the improvements thereon, if any and particularly and separately describing such vacant or improved lands owned by the State in connection with said road, which, in their judgment, is not needed for the purpose of operating said railroad, and which can be detached and sold without injury thereto, together with such recommendations as they may see fit in regard to a proper disposition thereof; the commissioners, in their discretion, may employ a competent surveyor for the purpose of locating the land and defining the boundaries thereof.

Appraisers of Property of Western and Atlantic Railroad

Oath of appraisers. SEC. V. That before entering upon the discharge of their duties, said commissioners shall take an oath before some officer authorized to administer the same, to faithfully and conscientiously discharge the duties imposed upon them under this resolution.

Duty of Governor to protect. SEC. VI. After an examination of this inventory and report should the Governor have reliable information that the lessees or any of their officers, agents or employees, are in any way impairing or depreciating the value of said road or its road-bed, bridges, depots, houses, or other equipments or appurtenances, or seeking or attempting to do the same, or permanently removing out of this State any of its cars, engines, rolling stock or other equipments, or carrying or removing the same without the limits or jurisdiction of this State, with an intention not to return the same before the expiration of the present lease, or in any way or manner intentionally doing or committing any act to injure or impair, or shall attempt to injure or impair the said road, its beds, depots, houses, shops, trestles, bridges, tracks, rolling stock or any other equipment or appurtenance, or in any way or manner do any act intended, or likely, or tending to impair or depreciate the value of the same, or shall impair or depreciate the value of the same, from the condition shown in said inventory, by reason of willful neglect or failure to keep up the necessary repairing, it shall be his imperative duty at once, as Governor of this State, to take possession of said road, and all its rolling stock, equipments and appurtenances, and if necessary for this purpose, he may summon to his aid the sheriff and *posse comitatus* of either, or all of the counties through which said road runs, and having so seized to protect and operate the same, until the Legislature shall make proper disposition thereof.

Authority of Governor. SEC. VII. It being one of the objects of this resolution to protect the State's property in the Western and Atlantic railroad from all and every effort to injure or impair the value of the same, the Governor is hereby invested with all the power and authority necessary to accomplish this object. He shall have the power to appoint, at any time, an agent or agents to go over and inspect said road, and report to him if any of the property mentioned in said inventory is being removed out of the State, as recited above, or unnecessarily impaired or injured, or the road-bed, tracks, or other equipments are being intentionally impaired, or reduced to a lower condition, or value, or being impaired, or depreciated by reason of willful neglect, or failure to keep up the necessary repairing, than shown in said inventory, and to act on such information.

Report to next General Assembly. SEC. VIII. That the report, inventory and appraisement of the commissioners appointed under this resolution, with any action the Governor may take hereunder, shall be communicated by the Governor, with his recommendations thereon, to the next General Assembly upon its convening.

Approved October 24th, 1887.

Per Diem and Mileage to be Paid Widows of M. H. Hart and D. N. Smith; Etc.

PER DIEM AND MILEAGE TO BE PAID WIDOWS OF M. H. HART
AND D. N. SMITH.

No. 48.

A resolution to provide for the payment of the per diem and mileage due to the Hon. M. H. Hart, late member of the House of Representatives from Troup, to his widow and for other purposes.

Be it resolved by the General Assembly of Georgia, That the Treasurer be, and is hereby authorized to pay to the widow of M. H. Hart, late of Troup county, the amount due him per diem and mileage whilst a member of the General Assembly during the present adjourned session, except such portion thereof (as?) has already been drawn by the said M. H. Hart, deceased, as appears on the book of the Treasurer. Amount to be paid.

Be it further resolved, That the Treasurer is hereby authorized to pay to the widow of D. N. Smith, late Senator from the 21st district, the amount due him for per diem up to the time of the qualification of his successor, during the present adjourned session. Also to widow of D. N. Smith.

Approved October 24, 1887.

PRINTING AND DISTRIBUTION OF ACTS AND RESOLUTIONS OF
SESSION OF 1887.

No. 49.

A resolution providing for the printing and distribution of the Acts and resolutions of the session of the General Assembly held in the year 1887.

Be it resolved by the Senate and House of Representatives of the State of Georgia, That so soon as the present General Assembly of Georgia shall be adjourned, it shall be the duty of the Commissioners of Public Printing of this State to proceed at once to have printed and bound, as now provided by law, all the Acts, public and general, as well as private and local, and also all resolutions passed and adopted at the present adjourned session of the General Assembly, and approved by the Governor, when his approval is necessary to the validity of such Acts or resolutions. Printing to be done at once.

2d. That the number of volumes of said Acts and resolutions to be so printed and bound as herein provided, shall be four thousand, and that said Acts and resolutions so printed and bound, shall be distributed and disposed of as now provided by law. Number of volumes. Distribution, etc.

Approved October 24, 1887.

Examination, etc., of Claim of Marietta & North Ga. R. R. Co. to Contract Rights, etc.

EXAMINATION, ETC., OF CLAIM OF MARIETTA & NORTH GEORGIA
R. R. CO. TO CONTRACT RIGHTS UNDER CERTAIN RESOLUTION.

No. 50.

Be it resolved by the General Assembly of the State of Georgia, That
 Examination to be made. the Governor and Attorney-General are hereby requested to examine at as early a day as possible into the claim of the Marietta & North Georgia Railroad Company to contract rights growing out of the Resolution approved Oct. 7th, 1885.

Resolved further, That if the Governor and Attorney-General find
 Result of investigation. that said company has so far performed the obligations placed upon it by the Resolution approved Oct. 7th, 1885, as to render it illegal for the State now to repudiate the terms of said Resolution, then the bonds, held by the State, of said company shall be at once delivered to said company.

Resolved further, That if the Governor and Attorney-General conclude that the company has no contract right under the Resolution of 1885, then they shall examine into its equitable claim for loss of convicts, and shall be authorized to credit the bonds held by the State with the amount of the company's equitable claim against the State, provided any equitable claim is sustained by proof; but they shall not have the right to recognize or establish any equitable claim by the company beyond the amount due to the State on said bond.

Resolved further, That if the Governor and Attorney-General conclude that the company has no contract rights under the Resolution of 1885 after hearing proof as to the equitable claims of the company, they shall at once proceed to collect the balance, if any, due to the State on the bonds.

Resolved further, That the Governor and Attorney-General, in making up their opinion upon said contract rights, shall go behind the resolution approved Oct. 7th, 1885, and ascertain whether there was sufficient consideration or equities in favor of the the said Marietta & North Georgia Railroad to form a basis for the settlement proposed in said Resolution, and the Treasurer shall withhold the delivery of the bonds until this question is finally settled.
 Governor and Attorney-General to go behind resolution of Oct. 7, 1885.

Resolved further, That nothing in this resolution shall be construed to confer any power upon the Governor and Attorney-General with which they are not now clothed by the Constitution of the State, and if the Governor shall ascertain, by and with the advice of the Attorney-General, that he has no jurisdiction over the subject-matter of this resolution under the Constitution, the Governor is hereby requested and the Treasurer of the State is instructed to hold such contested bonds until the close of the session of the next General Assembly.
 No new powers conferred.

Approved October 24, 1887.

STATEMENT OF RECEIPTS AND DISBURSEMENTS

To balance in Treasury, October 1st, 1886.....\$ 250,927 96

RECEIPTS.

Sum tax auctioneers, year 1886.....	\$ 180 00
" " " 1887.....	427 50
" " Billiard tables, 1886.....	1,215 00
" " " 1887.....	4,661 40
" Capital tax, 1886.....	887 12
" " " 1886.....	145,801 49
" " " 1887.....	12,509 97
" Contingent fund (money refunded) 1886.....	15 65
" Tax on dealers stoves, ranges, etc., 1886.....	80 00
" " " 1887.....	18 00
" " " Pistols, etc., 1886.....	630 00
" " " 1887.....	2,160 00
" " " Iron safes, 1886.....	45 00
" " " 1887.....	67 50
" Dividends from stocks, 1887.....	2,410 00
" Tax Express Companies, 1886.....	1,080 69
" " " 1887.....	1,466 53
" Fees Inspectors, 1887.....	78,307 36
" " Officers, 1887.....	844 40
" Revenue tax, 1878.....	194 65
" " " 1879.....	500 00
" " " 1881.....	48 42
" " " 1882.....	36 18
" " " 1885.....	5,522 74
" " " 1886.....	899,089 49
" Hire convicts.....	25,000 00
" Tax Insurance agents, 1886.....	1,008 40
" " " 1887.....	5,360 00
" " " Companies, 1886.....	267 82
" " " 1887.....	22,339 72
" Insolvent general tax.....	1,211 26
" Liquor tax, 1884.....	174 60
" " " 1885.....	465 30
" " " 1886.....	9,053 80
" " " 1887.....	51,316 02
" Tax dealers lightning rods, 1886.....	350 00
" " " 1887.....	158 50
" Money refunded.....	15 00
" Southern Mutual Insurance Co.....	206 76
" Penalties against collectors.....	413 60
" " " Lessees.....	600 00
" Rent W. & A. R. Road.....	300,000 00
" Railroad tax, 1886.....	7,278 32
" " " 1887.....	51,794 55
" Rome Bank assets.....	3,709 57
" Rent public property.....	84 05
" Tax sewing machine agents, 1886.....	284 40
" " " 1887.....	1,670 50
" " " Companies, 1887.....	1,000 50
" Tax on shows, 1886.....	3,855 50
" " " 1887.....	933 45
" " " special nostrums, 1886.....	347 45
" " " 1887.....	649 50
" Surplus from sale of wild lands.....	484 02
" Sale Supreme Court Reports.....	467 54
" Sale bonds Spartanburg and Ashville Railroad.....	23,850 00
" Dealers of musical instruments, 1886.....	22 50
" " " 1887.....	45 00
" Tax telephone companies, 1886.....	603 99
" " " " 1887.....	978 00
" " " " 1886.....	1,145 18
" " " " 1887.....	735 08
" " " " 1885.....	15 38
" " " " 1886.....	85 19
" " On dealers in futures, 1887.....	450 00
" " On games, 1886.....	53 40
" " " 1887.....	112 50
" " On vendors of buggies, 1887.....	112 50
" " Electric light companies, 1887.....	326 02
" " Wild lands.....	136 43
" " On agents of nurserymen, 1887.....	112 50
" Insurance fees, 1886.....	135 00
" " " 1887.....	5,040 00
	\$1,682,652 89
	\$1,983,580 85

AT TREASURY FOR YEAR ENDING SEPT. 30, 1887.

DISBURSEMENTS.

On account Department of Agriculture, 1886.....	\$	2,500 00
Department of Agriculture, 1887.....		7,500 00
Academy Blind, 1886.....		3,000 00
Academy Blind, 1887.....		12,000 00
Academy Blind (Organ, etc.).....		3,000 00
Artificial Limbs.....		57,760 00
Contingent Fund, 1886.....		3,662 89
Contingent Fund, 1887.....		5,199 62
Contingent Fund (Railroad Coms.), 1886.....		125 00
Contingent Fund (Railroad Coms.), 1887.....		375 00
Contingent Fund (Sup. Court), 1886.....		140 34
Contingent Fund (Sup. Court), 1887.....		498 70
Civil Establishment, 1886.....		53,171 57
Civil Establishment, 1887.....		53,391 41
Cost Clerk Superior Court.....		457 50
Change Bills W. & A. R. R.....		8 08
Insurance Public Buildings, 1886.....		3,126 51
Insurance Public Buildings, 1887.....		1,778 89
Institute Deaf and Dumb, 1886.....		4,250 00
Institute Deaf and Dumb, 1887.....		11,250 00
Lunatic Asylum, 1886.....		72,916 65
Lunatic Asylum, 1887.....		102,083 35
Lunatic Asylum (Trustees).....		1,320 68
Library Fund.....		290 00
Land Scrip Fund, 1887.....		6,314 14
Legislative Pay-roll, 1886.....		62,309 33
New Capitol.....		174,707 10
Overpayment Taxes.....		12,485 01
Penitentiary Department (general fund).....		1,560 63
Penitentiary Department (special fund), 1887.....		645 50
Printing Fund, 1886.....		522 96
Printing Fund, 1887.....		7,481 96
Printing Fund (R. R. Commissioners), 1886.....		455 87
Printing Fund (R. R. Commissioners), 1887.....		450 98
Public Buildings, 1886.....		4,180 06
Public Buildings, 1887.....		5,750 00
Public Debt.....		532,664 55
Salary of Inspectors.....		7,100 00
Salary of Chemist.....		3,000 00
Solicitors-Generals (Act 1856).....		1,560 00
School Fund, 1886.....		312,292 76
School Fund, 1887.....		3,431 07
School Fund, 1888.....		988 40
Supreme Court Reports.....		6,000 00
Sheriff S. Court Costs.....		86 25
Salary Clerk S. Court.....		70 00
School Technology.....		20,490 42
Special Appropriations.....		3,470 29
University of State, 1887.....		8,000 00
University for Colored at Atlanta, 1887.....		8,000 00
		<u>\$1,583,818 47</u>
Balance in Treasury Sept. 30, 1887.....		346,762 38

\$1,933,580 85

INDEX TO PUBLIC LAWS.

(For Index to Corporations, see Part II. of Index.)

A.

ACTION—

Right of, against railroads for homicide, ... 43

APPROPRIATIONS—

Deaf and dumb asylum, ... 7
 Refunding tax to A. C. Daniel, ... 9
 To pay executive warrant to J. H. Worrill, ... 10
 Branch college at Dahlonga, ... 10
 Repair of buildings of University of Georgia, . . 11
 Branch college at Thomasville, ... 12
 Repairs of old Capitol building, ... 13
 Moses Tomlinson for artificial arm, ... 13
 C. S. McCall for artificial leg 14
 M. D. Weeks for artificial arm, ... 15
 M. M. Caswell, for artificial arm, ... 15
 Emmett Barnes, for reporting testimony, ... 16
 To pay bond 349, issued under Act of January 12, 1852, 16
 To supply deficiencies for years 1887 and 1888, . . 17

ARSON.

More clearly defined, ... 61

ATTACHMENTS.

Claim bonds under, ... 40

ATTORNEYS-AT-LAW.

Evidence against clients, ... 32
 Prohibited from being jury commissioners, . . . 50

B.

BAILIFFS—

Bonds of, of County Courts, ... 32
 Oath of, of Superior Courts, ... 33

BANKS—

Manufacturing and mining companies as savings, . 91

BILL OF EXCEPTIONS—

Decisions by Supreme Court on cross, ... 41

BLACKMAIL—

Defined and penalty for, ... 58

BODIES—

Provided for scientific purposes, ... 87

BONDS—

Issue of, for public debt, ... 94

BURKE COUNTY—

Terms of Superior Court, ...	49
------------------------------------	----

C.

CAPITOL BUILDING—

To repair old, appropriation, ...	13
---	----

CEMETERIES—

Bodies provided for scientific purposes, etc., ...	86
--	----

CITY COURTS—

Fixing time for adjournment, ...	58
--	----

CLAIM—

Bonds under attachment, ...	40
Allowing withdrawal of original <i>fi. fa.</i>	62

CLARKE COUNTY—

Fall term of Superior Court, ...	48
--	----

CLAY COUNTY—

Terms of Superior Court, ...	46
------------------------------------	----

CODE AMENDMENTS—

SECTION 288—(Bond of county court bailiff), ...	32
“ 508(x)—(Elections for change of county sites), ...	39
“ 742 and 743—(Right of way for mining companies), ...	35
“ 1632—(Peddling), ...	33
“ 1689(N. N.)—(General railroad law), ...	31
“ 1977—(Enforcement of special liens for rent), ...	34
“ 2040—(Exemptions from debts), ...	43
“ 2138—(Pledge of commercial paper), ...	36
“ 2971—(Actions against railroads for homicide), ...	43
“ 3322—(Attachment claim bonds), ...	40
“ 3854—(Evidence of attorney against client), ...	30
“ 3910(b)—(Revision of jury lists), ...	31
“ 3929—(Oath of Superior Court bailiffs), ...	33
“ 4003—(Sale under proceeding for partition), ...	29
“ 4251—(Decision on cross-bill of exceptions), ...	41
“ 4570—(Furnishing liquor on election days), ...	42
“ 4600—(Sale of mortgaged personalty)	37
“ 4601—(a)—(Venue for trial of seller of mortgaged personalty), ...	37
“ 4698—(Commutation for good behavior), ...	38

COLLEGES, BRANCH—

Appropriation for Dahlonega, ...	10
Appropriation for Thomasville, ...	12

CONSTITUTION—

Increase in number Supreme Court Justices, ...	25
Relief of disabled Confederate soldiers, ...	27

CONVICTS—

Commutation for good behavior, ...	38
--	----

CORPORATIONS—

Special terms of court for granting charters, ...	57
Manufacturing and mining companies, as savings banks, ...	91
Use or borrowing of money by officers or agents, ...	94

COSTS—

Ordinaries allowed to issue <i>fi. fas.</i> for, ...	54
Of Justices of the Peace in certain cases, ...	55

COUNTY COURTS—

Bond of bailiff, ...	32
----------------------------	----

COUNTY LINES—

Settlement of, disputed, ...	106
------------------------------------	-----

COUNTY SITES—

Elections for, changing, ...	39
------------------------------------	----

D.

DAHLONEGA—

Appropriation for branch college, ...	10
---	----

DEAF AND DUMB ASYLUM.

Appropriation for, ...	7
------------------------------	---

DEBT, PUBLIC—

Issue of bonds for, ...	94
-------------------------------	----

DEEDS—

Withdrawal of affidavits of forgery of	60
--	----

DEFICIENCY APPROPRIATION ACT—

For years 1887 and 1888, ...	17
------------------------------------	----

DISABLED CONFEDERATE SOLDIERS—

Relief of, ...	27
----------------------	----

DOUGLAS COUNTY—

Added to Stone Mountain Circuit	48
---	----

E.

EDUCATION—

Board of visitors to University of Georgia, ...	67
Revising, amending, etc , common school laws, ...	68

ELECTIONS—

For change of county sites, ...	39
Furnishing liquor on day of primary, ...	42

EMPLOYEES—

Interference with, ...	107
------------------------------	-----

EVIDENCE—

Of attorney against client	30
--------------------------------------	----

EXEMPTIONS—

Yoke of oxen under Code, section 2040, ...	43
--	----

F.

FIDELITY INSURANCE—

Regulating and defining, ...	108
------------------------------------	-----

FORGERY—

Withdrawal of affidavit of, in certain cases, ...	60
---	----

G.

GEORGIA—

Establishment of line between and Tennessee, . . . 105

GRAND JURY.

Certain county officers incompetent to serve on, . . . 53

GWINNETT COUNTY—

Fall term of Superior Court, . . . 105

I.

INJUNCTIONS—

To restrain working for turpentine . . . 63

INSURANCE—

Regulating and defining Fidelity, . . . 108

General law regulating, . . . 113

J.

JAILS—

Inspection of . . . 102

JASPER COUNTY—

Terms of Superior Court . . . 47

JURY—

Revision of list in certain cities, . . . 31

Attorneys-at-law prohibited from being Commissioners of . . . 52

Certain county officers incompetent to serve on grand . . . 53

Pay of in lunacy cases, . . . 66

JUSTICES OF THE PEACE—

Fees of in certain cases, . . . 55

L.

LIENS—

Enforcement of special for rent, . . . 34

Amendment of affidavits to foreclose, . . . 59

LIQUORS—

Furnishing on day of primary elections, . . . 42

Tax on dealers in domestic wines, . . . 21

LUMBER—

Transportation of, . . . 103

LUNACY—

Pay of jury in cases of, . . . 66

M.

MACON CIRCUIT—

Judicial Calendar, . . . 50

MANUFACTURING COMPANIES—

Incorporation as Savings Banks, . . . 91

MASTER AND SERVANT—

Interference with employees, . . . 107

MEDICAL SCIENCE—

Bodies provided, etc., . . . 87

MILITARY—

Surgeon for each light battery of artillery . . .	84
Amending general law as to volunteer troops, . . .	85

MINING COMPANIES—

Right of way for, ...	35
Incorporation as Savings Banks, ...	91

MORTGAGE—

Venue of trial of seller of personalty under, . . .	37
Sale of personalty under penalty, ...	37

N.

NAVAL STORES—

Transportation of, etc., ...	103
Inspection and sale of, ...	110

O.

OPIUM—

Illegal sale of, ...	97
----------------------------	----

P.

PARTITION—

Sales under proceedings for, ...	29
--	----

PEDDLING—

Jugs, flower-pots, etc., ...	33
------------------------------------	----

PENITENTIARY—

Commutations for good behavior, ...	38
---	----

PERSONALTY—

Levy on and sale of where title is reserved, . . .	62
--	----

PLEDGES—

Of commercial paper, ...	36
--------------------------------	----

POSTING LANDS—

Defining what is, ...	61
-----------------------------	----

PRINTING, PUBLIC—

Rejection of bids for, etc., ...	98
--	----

PROCEDURE—

Uniform method of in civil cases, ...	64
---	----

PUBLIC DEBT—

Issue of bonds for, ...	94
-------------------------------	----

PUBLIC PRINTING—

Rejection of bids for, ...	98
----------------------------------	----

PURCHASE MONEY—

Levy on and sale for, where title is reserved, . . .	62
--	----

Q.

QUITMAN COUNTY—

Terms of Superior Court	46
-----------------------------------	----

R.

RIALROADS—

Repealing amendment to general law as to incorporation of, ...	31
Actions against for homicide, ...	43

RECORDS—

Superior Court Clerks to keep duplex index, ...	53
Remedy for loss or mutilation of, ...	112

RENTS—

Enforcement of special liens for, ...	34
---	----

S.

SCHOOLS, COMMON—

Revising, amending and consolidating laws	68
---	----

SINKING FUND—

Taxation for, ...	16
-------------------------	----

SOLDIERS, CONFEDERATE—

Relief of disabled, ...	27
-------------------------------	----

STATE LINE—

Between Georgia and Tennessee, settlement of, ...	105
---	-----

STONE MOUNTAIN CIRCUIT—

Continued and Douglas county added, ...	48
---	----

SUPERIOR COURTS—

Oath of bailiff, ...	33
Changing terms of Quitman and Clay, ...	46
Changing terms of Jasper, ...	47
Changing fall term of Clarke, ...	48
Continuing Stone Mountain Circuit, etc., ...	48
Changing terms of Burke, ...	49
Changing fall term of Gwinnett	50
Judicial calendar for Macon circuit, ...	50
Clerks to keep duplex index of recorded instruments	53
Special terms to grant charters, ...	57
Fixing time for adjournment of, ...	58

SUPREME COURT—

Increase in number of Justices, ...	25
Decisions on cross-bill of exceptions, ...	41
Salary of sheriff of, ...	104
Opinions to be transmitted to lower courts in certain cases,	106

T.

TAXES—

To create sinking fund for bonds, ...	19
On dealers in domestic wines, ...	21
Amendments to general tax Act for 1887 and 1888, ...	22, 23

TAX *FL. FA.*—

Transferrees may collect interest, ...	21
Time within which they may be enforced, ...	23

TELEGRAPHIC DISPATCHES—

Reception and transmission of, ...	111
--	-----

TENNESSEE—

Line between and Georgia, settlement of, ...	105
--	-----

TERRAPINS—

Capture of regulated, ... 99

THOMASVILLE—

Appropriation for branch college at, ... 21

TRAMWAYS—

For hauling timber and naval stores, ... 103

TROVER—

Sale of property not replevied, ... 59

TRUSTS AND TRUSTEES—

Sale of property and re-investment of proceeds, ... 56

TURPENTINE—

Injunction to restrain working for, ... 68

Times for cutting boxes, ... 103

U.

UNITED STATES—

Jurisdiction ceded to over certain land in Augusta, ... 100

Jurisdiction ceded to over certain land in Savannah, ... 101

UNIVERSITY OF GEORGIA—

Appropriation for repair of buildings, ... 11

Board of visitors to, ... 67

V.

VOLUNTEER TROOPS—

Surgeon for each light battery of artillery, ... 84

Amending general law as to, ... 85

W.

WINES—

Tax on dealers in domestic, , ... 21

PART II---Corporations.

RAILROAD COMPANIES—

Albany Street Railroad Company, incorporated, ...	201
Albany and Bainbridge Railroad Company, incorporated, ...	271
Albany, Cuthbert, Birmingham and Western Railroad Company, incorporated, ...	291
Alabama Midland Railway Company, incorporated, ...	214
Americus, Preston and Lumpkin Railroad Company, charter amended, ...	328
Atlanta City and Suburban Street Railway Company, incorporated, ...	302
Atlanta and Edgewood Street Railroad Company, charter amended, ...	261
Atlanta and Hawkinsville Railroad Company, charter amended, ...	238
Atlantic, Atlanta and Great Western Railroad and Navigation Company, incorporated, ...	155
Atlantic, Birmingham and Great Western Railway Company, charter amended, ...	164
Augusta and White Plains Railroad Company, incorporated, ...	197
Augusta, Thomasville and Gulf Railroad Company, incorporated, ...	232
Augusta, Gibson and Sandersville Railroad Company, incorporated, ...	256
Augusta and Knoxville Railroad, Port Royal and Western Carolina, and Port Royal and Augusta Railways consolidated, etc., ...	151
Blue Ridge and Atlantic Railroad Company, incorporated, ...	285
Blue Ridge Railroad Company, incorporated, ...	246
Brunswick and Atlanta Railroad Company, incorporated, ...	140
Brunswick Street Railroad Company, charter amended, ...	184
Buena Vista and Ellaville Railroad Company, incorporated, ...	268
Cartersville, Maysville and Knoxville Air Line Railroad Company, incorporated, ...	174
Carrollton, Marietta and Western Railway Company, incorporated, ...	294
Catoosa Springs Company, incorporated, ...	278
City and Suburban Railway of Savannah, charter amended, ...	211

Central City Street Railroad Company, incorporated,	212
Chattanooga Southern Railway Company, incorporated,	267
Columbus and Buena Vista Railroad Company incorporated,	192
Columbus Railroad Company, charter amended,	134
Covington and Macon Railroad Company, charter amended,	190
Darien Short Line Railroad Company, stock increased,	147
DuPont, Decatur, Alabama and Florida Air-Line Railroad Company, incorporated,	196
DuPont, Macon and Florida Railway Company, incorporated,	153
Eatonton and Madison Railway Company, charter confirmed,	171
Eatonton and Athens Railroad Company, incorporated,	186
Eastman and Americus Air-Line Railroad Company, incorporated,	283
Elberton Air-Line Railroad Company, charter amended	262
Florida Midland and Georgia Railroad Company, charter confirmed,	207
Fort Valley and Dublin Railroad Company, incorporated	311
Fulton County Street Railroad Company, charter amended,	264
Georgia Southern and Florida Railroad Company, charter amended,	150
Georgia Midland and Gulf Railroad Company, charter amended,	251
Gainesville and Columbia Railroad Company, incorporated,	279
Great North and South Railway Company, incorporated,	304
Griffin, LaGrange and Western Railroad Company, charter amended,	325
Holcomb and Hawkinsville Railroad Company, incorporated,	317
Jackson and Indian Springs Railway Company, incorporated,	220
LaGrange Street Railroad Company, incorporated,	239
Lexington Terminal Railroad Company,	253
Long Shoals and Rockland Railroad Company,	241
Lookout Mountain, Lula Lake and Gadsden Railroad Company, incorporated,	297
Louisville, Waynesboro and Alexander Railroad Company, incorporated,	178
Macon and Alabama Railroad Company, incorporated,	166
Macon City and Suburban Railway, Light and Water-Power Company, incorporated,	243
Metropolitan Street Railway Company, incorporated,	209

Metropolitan Street Railroad Company, motive power of,	133
New Life Water-Power and Granite Railway Company, incorporated,	220
Newton, Morgan and Lumpkin Railroad Company, incorporated,	273
North Georgia and St. Andrews Bay Railroad Company, incorporated,	202
North and South Short Line Railway Company, incorporated,	138
Ore Belt Railroad Company, incorporated,	182
Rome and Carrollton Railroad Company, name changed,	132
Rome Street Railroad Company, charter amended,	148
Rome and Northeast Railroad Company, charter amended,	185
Savannah and Western Railroad Company, charter amended,	189
Savannah, Vernon and Rosedew Railroad Company, incorporated,	204
Tallulah Falls Railroad and Improvement Company, incorporated,	314
Thomasville and Northern Railway Company, incorporated,	300
Thomasville and Ty Ty Railroad Company, incorporated,	265
Thomasville and Augusta Railway Company, charter amended,	252
Thomasville, Florida and Western Railway Company, incorporated,	172
Washington Street Railway Company, incorporated,	307
Waycross Air Line Railroad Company, incorporated,	227
West End and East Point Street Railroad Company, charter amended,	260
West End and Atlanta Street Railway Company, charter amended,	180
BANKS, LOAN AND TRUST COMPANIES.	
Albany Savings Bank, incorporated,	342
Atlanta Loan and Banking Company, charter amended,	375
Atlanta Savings, Loan and Trust Company, incorporated,	393
Athens Savings Bank, charter amended,	408
Austell Banking Company, incorporated,	340
Bank of Cuthbert, incorporated,	351
Bank of Sandersville, incorporated,	356
Bank of Thomasville, charter amended,	348
Blue Ridge Banking, Loan and Trust Company, incorporated,	424
Buena Vista Loan and Savings Bank, incorporated,	337
Capital City Land Improvement and Banking Company, name changed,	334

Central Trust and Banking Company of Georgia, incorporated, ...	410
Citizens' Bank of Savannah, incorporated, ...	344
Commercial Bank of Albany, charter amended, ...	360
Commercial Bank of Augusta, charter amended, ...	355
Coweta Bank, incorporated, ...	416
Exchange Bank of Macon, election of vice-president, ...	337
First State Bank of Dawson, incorporated, ...	332
Georgia Loan and Trust Company, charter amended, ...	336
Greenville Banking Company, incorporated, ...	401
Hartwell Loan and Savings Bank, incorporated	382
Lowry Banking Company, of Atlanta, incorporated	396
Marietta Bank, incorporated	361
Merchants and Planters' Bank, of Carrollton, incorporated.	368
Merchants and Mechanics' Banking and Loan Company, of Atlanta, incorporated	378
Monroe Banking, Loan and Guaranty Company, incorporated	371
Mutual Loan and Banking Company, incorporated	380
Pataula Banking Company, incorporated	412
Planters' Bank of Preston, incorporated, ...	331
Planters' Loan and Savings Bank, charter amended	377
Planters' Bank, of Ellaville, incorporated	389
Peoples' Bank of Jefferson, incorporated, ...	390
Piedmont Savings Bank, incorporated, ...	384
Progress Loan, Improvement and Manufacturing Company, incorporated	373
Traders' Bank, of Atlanta, incorporated.	387
Title Guarantee and Loan Company, of Savannah, incorporated.	365
Waynesboro Loan and Banking Company, incorporated	414
INSURANCE COMPANIES—	
Atlanta Home Insurance Company, charter amended	450
Georgia Fire Insurance Company, of LaGrange, incorporated	441
Georgia Mutual Insurance Company, incorporated, ...	432
Georgia Insurance Company, charter renewed	453
Guaranty Mutual Fire Insurance Company, incorporated, ...	436
Manufacturers' Insurance Mutual Aid Society, incorporated, ...	455
Marietta Insurance Company, incorporated, ...	444
Southern Phoenix Insurance Company, incorporated, ...	447
EXPRESS, TELEGRAPH AND MINING COMPANIES—	
Commercial Express Company, incorporated, ...	457

Darien and Doboy Telegraph Company, incorporated,	460
Midland Telegraph Company, incorporated,	462
Van Wert Quarrying and Mining Company, charter amended,	459
STEAMBOAT, CANAL AND NAVIGATION COMPANIES—	
Augusta Steamboat Company, incorporated,	468
Columbus and Gulf Navigation Company incorporated,	473
Connasauga Canal and Manufacturing Company, incorporated,	478
Montezuma Steamboat Company, incorporated,	470
Rome Steamboat Company, incorporated,	471
St. Mary's, Satilla and Turtle Rivers Canal Company, incorporated,	464
Turtle and Altamaha Rivers Canal Company, charter amended,	469

INDEX TO LOCAL AND PRIVATE LAWS.

A.

ADAIRSVILLE—	
Charter amended, ...	549
ALAPAHA RIVER—	
To prevent fishing in	728
AMERICUS—	
Charter granted, ...	541
ATHENS—	
Business tax, ...	582
Sewerage, etc., ...	583
Streets, opening, etc., ...	583
Street improvements, ...	629
Public school system, ...	842
ATLANTA—	
Charter amended, ...	484
Limits extended, ...	503
Water commissioners of, ...	530
Assistant Tax Receiver and Assessor, ...	533
Charter amended, ...	602
AUGUSTA—	
Lease of canal, ...	518
Terms of members of council, ...	519
Street improvements, ...	565
Water rents, etc., ...	568
AUSTELL—	
Charter amended, ...	606

B.

BARNESVILLE—	
Charter amended, ...	490
BARTOW—	
Incorporated.	506
BARTOW COUNTY—	
Amending Act establishing City Court, ...	708
Amending Act establishing City Court, ...	712
Amending Act creating City Court, ...	716
BELTON—	
Charter amended, ...	547
BERRIEN COUNTY—	
Commissioners created, ...	664
Registration law, ...	730
BIBB COUNTY—	
Amending City Court Act of Macon, ...	705

BLAKELY—	
Charter amended, ...	504
BLUE RIDGE—	
Incorporated, ...	647
BLUFFTON—	
Incorporated, ...	580
BROOKS COUNTY—	
Registration law, ...	762
BURKE COUNTY—	
Jail for, ...	865
C.	
CAIRO—	
Charter amended, ...	578
CALHOUN COUNTY—	
Providing for County Judge, ...	691
CAMILLA—	
New charter, ...	634
CAMPBELL COUNTY—	
Registration law, ...	764
Liquor law for, ...	852
Justice court-houses for, in each district, ...	870
CARNESVILLE—	
Charter amended, ...	531
CARROLL COUNTY—	
Amending City Court Act of Carrollton, ...	714
CEDARTOWN—	
School system for, ...	811
CHATHAM COUNTY—	
Fixing fees of Ordinary, ...	672
Creating tax assessors for, ...	673
CHATTOGA COUNTY—	
Providing for payment of road accounts.	792
CHOKIE—	
Charter amended, ...	541
CHURCH PROPERTY, ETC.—	
Sale of property of Trinity church, Columbus	881
Sale of property of Congregation Benay Israel, ...	885
Sale of property Second Presbyterian church, Columbus, ...	885
Restricting indebtedness of First Presbyterian church, Augusta, ...	889
CLARKE COUNTY—	
Bridges over streams dividing from Oconee county, ...	791
CLAY COUNTY—	
Registration law.	755
CLAYTON COUNTY—	
Commissioners Act, ...	677

INDEX TO LOCAL AND PRIVATE LAWS. 931

Liquor law for,	855
CLINCH COUNTY—	
Registration law,	732
COBB COUNTY—	
Registration law,	741
COLUMBUS—	
Limits extended,	491
Title to Commons of,	613
COLLINSVILLE—	
Incorporated	611
CONYERS—	
Charter amended	576
CONCORD—	
Incorporated,	403
CORNELIA—	
Incorporated.	571
COVINGTON—	
School system for,	818
CONVICTS—	
Hire of misdemeanor convicts in northern circuit,	870
CGWETA COUNTY—	
Establishing City Court at Newnan,	692
Abolishing County Court,	707
Liquor law for 746th district G. M.	856
Amending prohibitory liquor law,	860
CRAWFORD COUNTY—	
Stock law applied to part of,	802
CULLODEN—	
Incorporated,	655
DALTON—	
Charter amended,	529
Water Works for,	546
DAWSON—	
Charter amended,	617
DECATUR COUNTY—	
Sheriff of made <i>ex officio</i> Sheriff of County Court,	685
Criminal Court Act amended,	686
DeKALB COUNTY—	
Liquor law for,	854
DODGE COUNTY—	
Amending registration law,	778
Appropriation of money to bridges,	794
DOUBLIN—	
Schools in,	833
EARLY COUNTY—	
County Court for,	688

EAST POINT—

Incorporated, ... 488

EATONTON—

School-houses for, ... 839

EDUCATIONAL.

Public school system for Cedartown 811

Amending school system of Newnan 815

Amending school system of Sandersville 817

Public schools for Covington 818

Middle Ga. Military and Agricultural College 821

Sale of property of Elbert county Male Academy 823

Sale of property of Elberton Female Collegiate Institute 827

Election of Trustees for Effingham Academy 829

Sale of school lot in town of Franklin 829

Public school building of Elberton 830

Reformatory Institute of Richmond county 832

Support of schools in Dublin 833

School system for Waycross 833

Teachers of colored youths in Thomaston 835

Tax for schools in Millen 836

Public schools for town of Washington 837

School house for Eatonton 839

Tallapoosa Male and Female College incorporated 841

Public school system of Athens amended 842

House of Refuge of Fulton county—commitment to 824

EFFINGHAM COUNTY.

Trustees for Academy 829

ELBERT COUNTY.

Sale of property of Male Academy 823

Sale of property of Female Collegiate Institute 827

ELBERTON.

School buildings for 830

ELLIJAY.

Charter amended 584

EMANUEL COUNTY.

Liquor law for 849

EXEMPTIONS—

Atlanta Artillery from jury duty, ... 864

Southern Cadets from jury duty, ... 867

Richmond Hussars from jury duty, ... 871

Atlanta Rifles from jury duty, ... 876

Clarke Light Infantry from jury duty, ... 877

F.**FAYETTE COUNTY—**

Liquor law, ... 853

FLOYD COUNTY—

Amending County Court Act, ...	710
Registration law, ...	747
Amending registration law, ...	773

FORT GAINES—

Authorized to bridge Chattahoochee river, ...	795
---	-----

FORT VALLEY—

Charter amended, ...	528
----------------------------	-----

FRANKLIN—

Sale of school lot, ...	829
-------------------------------	-----

FULTON COUNTY—

Game law amended, ...	722
Stock law applied to, ...	800
House of Refuge—commitment to, ...	824
Regulations for voting, ...	868
Disposition of fund arising from sale of fence, ...	876
Examiners of engineers for, ...	877
Prohibiting drunkenness etc., in South View Cemetery.	866

G.

GORDON COUNTY—

Commissioners Act amended, ...	682
Liquor law of Calhoun and Resaca, ...	847
Prohibiting sale of near Salem Church, ...	851

GREENE COUNTY—

Registration law, ...	740
Authorizing commissioners to relieve Miles G. Copeland, ...	872

GREENVILLE—

New charter, ...	498
------------------------	-----

GRIFFIN—

Charter amended, ...	542
----------------------------	-----

GUYTON—

Incorporated, ...	651
-------------------------	-----

H.

HABERSHAM COUNTY—

Game protected at certain seasons, ...	724
--	-----

HANCOCK COUNTY—

Insolvent criminal costs paid, ...	688
--	-----

HARDIN, M. A.

Right to close private ways on his farm, ...	888
--	-----

HARMONY GROVE—

Charter amended, ...	564
----------------------------	-----

HARRIS COUNTY—

Stock-law applied to certain districts, ...	800
Liquor laws for, ...	844
Transportation of seed cotton in and from, ...	878

HILLMAN—	
Incorporated.	573
HOUSTON COUTY—	
Commissioners Act amended.	672
I.	
IRWIN COUNTY—	
Board of Commissioners created, ...	676
Registration law.	751
J.	
JASPER COUNTY—	
Inspector of Roads and Bridges.	667
Game laws amended.	720
JUG TAVERN—	
Charter amended.	603
K.	
KENNESAW—	
Incorporated.	520
L.	
LAURENS COUNTY—	
Registration law, ...	783
LEE COUNTY—	
Stock law, ...	806
LINCOLNTON—	
New charter, ...	614
LIQUOR LAWS—	
Liquor law for towns and villages of Harris county, ...	844
Liquor law for Richmond county, ...	845
Liquor law for vicinity of Lula Methodist church, ...	846
Liquor law for vicinity of Pleasant Grove and Pleasant Hill Methodist churches, ...	846
Amending liquor law for Calhoun and Resaca, ...	847
Prohibiting sale of, near odd fellows hall at Caines, ...	847
Liquor law for vicinity of Trinty church, Gwinnett county, ...	848
Prohibiting sale of, near Mt. Zion church, Meriwether county, ...	848
Prohibition law for Emanuel county, ...	849
Prohibiting sale near Walnut Grove academy, ...	851
Prohibiting sale of, near Salem church, Gordon county	851
Prohibitory law for Fayette county, ...	852
Prohibitory law for Campbell county, ...	852
Prohibited near Bethlehem academy, Walton county, ...	853
Prohibited near the church at Jersey, ...	853
Prohibitory law for DeKalb county, ...	854
Prohibited near Midway Methodist church, ...	854
Prohibitory law for Clayton county, ...	855

Prohibited near Gillsville Baptist church, . . .	855
Prohibited near Hephzibah Baptist church, . . .	856
Liquor law for 746th district, G. M., Coweta county,	856
Amending liquor law for Pike county, . . .	857
Amending liquor law of Coweta county, . . .	860
LOGANSVILLE—	
Incorporated, ...	508
LOWNDES COUNTY—	
Amending registration law.	773
M.	
MACON COUNTY—	
Creating Solicitor of county court, ...	687
Registration law, ...	786
MASONIC ORPHANS' HOME—	
Disposition of realty belonging to, ...	881
McDUFFIE COUNTY—	
Compensation for clerks and managers of elections,	683
MADISON—	
Protection to mocking birds, ...	719
MARION COUNTY—	
Taxation in, ...	868
MERIWETHER COUNTY—	
Liquor law Mt. Zion church in, ...	848
Registration law, ...	755
MILLEN—	
Taxation for schools, ...	836
MILLEDGEVILLE—	
Middle Georgia Military and Agricultural College, .	821
MILITARY—	
Incorporating First Volunteer Regiment of Georgia, .	869
MITCHELL COUNTY—	
New court-house for, ...	874
MONROE COUNTY—	
Prohibiting sale of cotton in the seed, ...	879
MONTGOMERY COUNTY—	
Protection of game and birds, ...	723
MONTEZUMA—	
Charter Amended, ...	585
MORGAN COUNTY—	
Registration law, ...	759
Protection of mocking birds in Madison.	719
N.	
NEWNAN—	
Tax on land, ...	575
Limits extended, ...	576

936 INDEX TO LOCAL AND PRIVATE LAWS.

City court established, ...	692
Amending public school system, ...	815
NEWTON COUNTY—	
Protection of game and birds, ...	727
Registration law, ...	734
O.	
OCEAN CITY—	
Incorporated, ...	558
OCONEE COUNTY—	
Commissioners act amended, ...	666
Bridges over streams dividing, from Clarke county, ...	791
OGLETHORPE COUNTY—	
Amending registration law, ...	774
P.	
PALMETTO—	
Charter amended, ...	516
PAULDING COUNTY—	
Commissioners abolished, ...	680
PELHAM--	
Charter amended, ...	568
PIKE COUNTY—	
Amending liquor law for, ...	857
R.	
RELIEF LAWS—	
To relieve P. F. Addison and D. J. Hayes, ...	880
To relieve James Jordan, ...	883
To relieve W. D. Price, ...	883
To relieve William and C. H. Ammons, ...	886
To relieve D. H. Hubbard and sureties, ...	887
To relieve J. Y. Hill, ...	888
To relieve Thomas Davis, Sr., ...	889
To relieve estate of A. P. Dearing, etc., ...	890
RICHMOND COUNTY—	
Judge city court, <i>ex officio</i> commissioner of roads, ...	683
Amending city court Act, ...	713
Registration law, ...	779
Reformatory institute, ...	832
Liquor laws for, ...	845
Amending Act creating board of assessors, ...	872
RISING FAWN—	
Charter amended, ...	607
ROME—	
Charter amended, ...	602
S.	
SALT SPRINGS—	
Charter amended, ...	497

SANDERSVILLE—	
School system amended, ...	817
SAVANNAH—	
Street improvement, ...	537
Land for United States building, ...	866
Land for court house, etc., ...	646
SCHLEY COUNTY—	
Stock law for part of, ...	804
SPARTA—	
Limits extended, ...	545
STEWART COUNTY—	
Gates over certain roads, ...	790
STOCK LAW—	
For parts of Harris county, ...	800
For parts of Crawford county, ...	802
For parts of Schley county, ...	804
For Lee County, ...	806
For 743d district of Taylor county, ...	808
For 768th district of Taylor county, ...	810
SUGAR VALLEY—	
Incorporated, ...	631
SUMTER COUNTY—	
Fines, etc., in county court of, ...	873
SWAINESBORO—	
New charter, ...	524
T.	
TARVER—	
Incorporated, ...	556
TAYLOR COUNTY—	
Stock law for 743d district, ...	808
Stock law for 768th district, ...	810
TELFAR COUNTY—	
Protection of game, ...	722
Registration Law, ...	746
Sale of insolvent tax <i>ff. fas.</i> , ...	871
TENNILLE—	
New Charter, ...	618
TERRELL COUNTY—	
Officers of County Court, ...	705
Registration Law, ...	737
THOMAS COUNTY—	
Commissioners' act amended, ...	681
Registration Law, ...	765
THOMASTON—	
Teachers of colored youth, ...	835
THOMASVILLE—	
Bonds for Park, etc., ...	512

938 INDEX TO LOCAL AND PRIVATE LAWS.

Limits extended, ...	523
Penalty for violating Ordinances, ...	540
TOWNS COUNTY—	
Protection of fish in Hiwassee river, ...	721
Width of public roads fixed, ...	795
TROUP COUNTY—	
Protection of game and birds, ...	726
U.	
UNION COUNTY—	
Board of Commissioners created, ...	669
UPSON COUNTY—	
County Court abolished, ...	710
V.	
VALDOSTA—	
Charter amended, ...	595
VILLA RICA—	
Limits extended, ...	575
W.	
WALTON COUNTY—	
Fees of Judge and Solicitor of County Court, ...	707
Prohibiting sale of liquor near Bethlehem Academy, ...	844
Prohibiting sale of liquor near Walnut Grove Academy, ...	851
WARE COUNTY—	
Registration Law, ...	750
WARRENTON—	
Charter amended, ...	539
WASHINGTON COUNTY—	
Fishing on lands of another prohibited, ...	720
WASHINGTON—	
School system for, ...	837
WAYCROSS—	
Registration of voters, ...	543
Public school system for, ...	833
WAYNE COUNTY—	
Hunting and fishing on another's land prohibited, ...	724
WHITE COUNTY—	
To protect game, ...	725
WILKINSON COUNTY—	
Amending registration law, ...	777
Liquor law, ...	850
WILLIAMSBURG—	
Incorporated, ...	485
WOODBURG—	
Incorporated, ...	493
WORTH COUNTY—	
Registration law, ...	775

INDEX TO RESOLUTIONS.

Commending National Colored Industrial Exposition, .	893
Relief of the Mutual Reserve Fund and Life Association,	893
Relief of the Continental Insurance Company, of New York, ...	894
Relief of the Norwich Union Fire Insurance Society, of England, ...	895
To further improvement of Flint, Chattahoochee and Apalachicola rivers, ...	895
Relief of the Hartford Steam Boiler Inspection and Insurance Company, ...	896
Approving, etc., settlement of State's claim against the Asheville and Spartanburg railroad, ...	897
Refunding to Mrs. S. H. Meador certain money from sale of wild land, ...	897
Relief of the Staunton Life Association, of Virginia, .	898
Pay of Stenographer and Sergeant-at-Arms of certain investigating committee, ...	898
Providing for committee to report as to equipment of New Capitol, ...	899
Relief of E. A. Pollock, ...	900
Relief of Tax Collector of Talbot county, ...	901
Direction as to appropriation for the Atlanta University,	901
Appropriation to the Jackson Light Artillery Company, of Albany, ...	902
Relief of Henry J. Lamar, ...	902
Relief of the Provident Safety Fund Association, of New York, ...	903
Authorizing sale or lease of certain State property at Calhoun, ...	903
Authorizing improvements of picture of Hon. B. H. Hill in House of Representatives, ...	904
Payment of Mileage for adjourned session of 1887, .	904
Clerk hire of committee to investigate W. & A. R. R.	904
Relief of R. M. Tyson, ...	905
Relief of James H. Tootle, ...	905
Relief of John B. Paulk, ...	906
Relief of C. C. Thorp and J. W. Knight, ...	906
Relief of the National Life and Maturity Association, .	
of Washington, D. C., ...	907
Relief of I. F. Farmer, ...	907

Certain documents for the Georgia Methodist Historical Society, ...	908
Directing State Treasurer to destroy certain bonds, ...	908
Relieving M. C. Martin, ...	909
Compensating Jno. M. Graham, stenographer, ...	909
Relieving Samuel J. Hunt, ...	910
Discharging Bunk Gunn, Jack Adams and George Johnson from Lunatic Asylum, ...	910
Directing examination of transfer of certain rights to Western Union Telegraph Company, ...	911
Paying committee on Lunatic Asylum, ...	911
Paying committee on W. & A. R. R., ...	911
As to unfinished business of the session, ...	911
Authorizing payment of interest on certain bonds, ...	912
Relieving the Mutual Reserve Fund Life Association, ...	912
Appraisers of property of W. & A. R. R., ...	915
Per diem and mileage to be paid widows of M. W. Hart and D. N. Smith, ...	915
Printing and distribution of Acts and Resolutions of session of 1888, ...	915
Examination, etc., of claims of Marietta & North Georgia Railroad Company to contract rights under certain Resolution, ...	916

SUPERIOR COURT CALENDAR.

[Revised 1887-8 by W. H. Harrison.]

ALBANY CIRCUIT.

B. B. BOWER, Judge; W. N. SPENCE, Solicitor-General.

Baker—First Monday in May and Nov.
Calhoun—Second Monday in June and Dec.
Decatur—Second and third Monday in May and November.
Dougherty—First, second and third Monday in April and October.
Mitchell—Third and fourth Monday in March and fourth Monday in November.
Worth—Fourth Monday in April and Oct.

ATLANTA CIRCUIT.

M. J. CLARKE, Judge; C. D. HILL, Solicitor General.

Fulton—First Monday in March and September.

AUGUSTA CIRCUIT.

H. C. ROWEY, Judge; BOYKIN WRIGHT, Solicitor-General.

Burke—First Monday in June and Dec.
Columbia—Fourth Monday in March and Sept.
McDuffie—Third Monday in March and Sept.
Richmond—Third Monday in April and October.

BLUE RIDGE CIRCUIT.

JAS. R. BROWN, Judge; GEO. F. GORRER, Solicitor-General.

Cherokee—Fourth Monday in February and second Monday in September.
Cobb—Second and third Monday in March and third and fourth Monday in November.
Dawson—Third Monday in April and second Monday in September.
Fannin—Fourth Monday in May and third Monday in October.
Forsyth—Third Monday in February and fourth Monday in August.
Gilmer—Third Monday in May and second Monday in October.
Milton—First Monday in February and third Monday in August.
Pickens—Fourth Monday in April and Sept.

BRUNSWICK CIRCUIT.

SPENCER R. ATKINSON, Judge; J. I. CARTER, Solicitor-General.

Appling—Second Monday in March and Oct.
Camden—Tuesday after fourth Monday in April and November.
Charlton—Tuesday after third Monday in April and November.
Clinch—First Monday in March and Oct.
Coffee—Tuesday after second Monday in April and November.
Glynn—First Monday in May and Dec.
Pierce—Fourth Monday in March and October.
Ware—First Monday in April and Nov.
Wayne—Third Monday in March and Oct.

CHATTAHOOCHEE CIRCUIT.

JAS. M. SMITH, Judge; JAMES H. WORRILL, Solicitor-General.

Chattahoochee—Fourth Monday in March and Sept.
Harris—Second Monday in April and Oct.
Marion—Fourth Monday in April and Oct.
Muscooge—Second Monday in May and Nov.
Talbot—Second Monday in March and Sept.
Taylor—Fourth Monday in February and Aug.

CHEROKEE CIRCUIT.

J. C. FAIN, Judge; J. W. HARRIS, JR., Solicitor-General.

Bartow—Second Monday in January and July.
Catoosa—Second Monday in February and Aug.
Dade—Third Monday in March and September.
Gordon—Fourth Monday in February and Aug.
Murray—Third Monday in February and Aug.
Whitfield—First Monday in April and Oct.

COWETA CIRCUIT.

S. W. HARRIS, Judge; H. M. REID, Solicitor-General.

Campbell—First Monday in February and Aug.
Carroll—First Monday in April and Oct.
Coweta—First Monday in March and Sept.
Douglas—Third Monday in January and July.
Fayette—Third Monday in March and Sept.
Heard—Fourth Monday in March and Sept.
Meriwether—Third Monday in February and Aug.
Troup—Third Monday in April and first Monday in November.

EASTERN CIRCUIT.

A. P. ADAMS, Judge; F. G. DU BIGNON, Solicitor-General.

Chatham—First Monday in March, June and Dec.
Bryan—First Monday in May and Nov.
Effingham—Second Monday in May and Nov.
McIntosh—Fourth Monday in May and Nov.
Liberty—Third Monday in May and Nov.

FLINT CIRCUIT.

JAMES S. BOYNTON, Judge; E. WOMACK, Solicitor-General.

Butts—Second Monday in March and Sept.
Henry—Third Monday in April and Oct.
Monroe—Fourth Monday in February and Aug.
Newton—Third Monday in March and Sept.
Pike—First Monday in April and Oct.
Rockdale—Third Monday in February and Aug.
Spalding—First Monday in February and Aug.
Upson—First Monday in May and Nov.

MACON CIRCUIT.

T. J. SIMMONS, Judge; J. L. HARDEMAN, Solicitor-General.

Crawford—Third Monday in April and Oct.
Houston—First Monday in April and Oct.
Bibb—First Monday in May and November, and continues as long as necessary.

MIDDLE CIRCUIT.

JAMES K. HINES, Judge; OSCAR H. ROGERS, Solicitor-General.

Bulloch—Fourth Monday in April and Oct.
Emanuel—Third Monday in April and first Monday in November.
Jefferson—Second Monday in May and Nov.
Johnson—Fourth Monday in March and Sept.
Screven—Third Monday in May and Nov.
Tattnall—Second Monday in April and Oct.
Washington—First Monday in March and Sept.

NORTHEASTERN CIRCUIT.

C. J. WELLBOEN, Judge; HOWARD THOMPSON, Solicitor-General.

Hall—Third Monday in February and August.
Habersham—First Monday in March and Sept.
Rabun—Third Monday in March and Sept.
Towns—Fourth Monday in March and Sept.
White—Second Monday in April and Oct.
Lumpkin—Third Monday in April and Oct.
Union—First Monday in April and Oct.

NORTHERN CIRCUIT.

SAMUEL LUMPKIN, Judge; W. M. HOWARD, Solicitor-General.

Elbert—Second Monday in March and Sept.
Glascock—Third Monday in February and Aug.
Hancock—Second Monday in April and Oct.
Hart—Third Monday in March and Sept.
Lincoln—Fourth Monday in April and Oct.
Madison—First Monday in March and Sept.
Oglethorpe—Third Monday in April and Oct.
Talbot—Fourth Monday in Feb. and Aug.
Warren—First Monday in April and Oct.
Wilkes—First Monday in May and Nov.

SUPERIOR COURT CALENDAR—CONTINUED.

OCMULGEE CIRCUIT.

WM. F. JENKINS, Judge; ROBERT WHITFIELD, Solicitor-General.

Baldwin—Third Monday in January and July.
Greene—Second Monday in March and Sept.
Jasper—Fourth Monday in March and Sept.
Jones—Third Monday in April and Oct.
Morgan—First Monday in March and Sept.
Putnam—Third Monday in March and Sept.
Wilkinson—First Monday in April and Oct.

OCONEE CIRCUIT.

C. C. KIRBEE, Judge; TOM EASON, Solicitor-Gen.

Dodge—Fourth Monday in February and Aug.
Dooley—Second and third Monday in March and September.
Irwin—Tuesday following Monday after the fourth Monday in March and September.
Laurens—Fourth Monday in January and July.
Montgomery—Fourth Monday in April and Oct.
Pulaski—Third Monday in May and Nov.
Telfair—Tuesday after third Monday in April and October.
Twigg—Second Monday in April and Oct.
Wilcox—Fourth Monday in March and Sept.

PATAULA CIRCUIT.

J. T. CLARK, Judge; J. H. GUERRY, Solicitor-Gen.

Clay—Third Monday in March and Sept.
Early—First and second Monday in April and Oct.
Miller—Third Monday in April and Oct.
Quitman—Second Monday in March and Sept.
Randolph—First and second Monday in May and November.
Terrell—Fourth Monday in May and November, and holds two weeks.

ROME CIRCUIT.

JOHN W. MADDOX, Judge; C. T. CLEMENTS, Solicitor General.

Chattooga—First Monday in March and Sept.
Floyd—Fourth Monday in March and September, and holds four weeks, longer if necessary.
Paulding—First Monday in January and Aug.
Polk—Second Monday in February and August, and holds two weeks.
Haralson—Third Monday in January and July, and holds two weeks.
Walker—Last Monday in February and Aug.

SOUTHERN CIRCUIT.

AUGUSTIN H. HANSELL, Judge; D. W. ROUNTREE, Solicitor-General.

Berrien—Third Monday in March and second Monday in October.
Brooks—First Monday in May and Nov.
Colquitt—First Monday in April and Oct.
Echols—Second Monday in March and fourth Monday in September.
Lowndes—Third Monday in May and Nov.
Thomas—Third week in April and Oct.

SOUTHWESTERN CIRCUIT.

ALLEN FORT, Judge; C. B. HUDSON, Solicitor-General.

Lee—Second Monday in March and Nov.
Macon—Second Monday in May and fourth Monday in November.
Schley—Fourth Monday in March and Sept.
Stewart—Fourth Monday in April and Oct.
Sumter—Second Monday in April and Oct.
Webster—First Monday in April and Oct.

STONE MOUNTAIN CIRCUIT.

RICHARD H. CLARK, Judge; J. S. CANDLER, Solicitor-General.

Clayton—First Monday in March and Sept.
DeKalb—Second Monday in February and Aug.

WESTERN CIRCUIT.

N. L. HUTCHINS, Judge; E. T. BROWN, Solicitor-General.

Banks—Third Monday in March and Sept.
Clarke—Second, third and fourth Monday in April and November.
Oconee—Fourth Monday in January and July.
Franklin—Fourth Monday in March and Sept.
Gwinnett—First and second Monday in March and first and second Monday in October.
Jackson—First and second Monday in February and August.
Walton—Second and third Monday in February and August.

SUPREME COURT OF GEORGIA.

LOGAN E. BLECKLEY,	CHIEF JUSTICE.
THOS. J. SIMMONS,	Term to January 1, 1893. ASSOCIATE JUSTICE.
M. H. BLANDFORD,	Term to January 1, 1889. ASSOCIATE JUSTICE.
Z. D. HARRISON,	Term to January 1, 1891. ASSOCIATE JUSTICE.
J. H. LUMPKIN,	CLERK.
J. M. GRAHAM,	REPORTER.
J. W. VAUGHAN,	STENOGRAPHER.
	SHERIFF.
Terms begin First Monday in March and October.	

ALL LEGAL BLANKS SUPPLIED ON APPLICATION TO

JAS. P. HARRISON & CO.,

Brief and Law Book Printers, Atlanta, Ga.

Standard Law Library
3 6105 063 418 888

